

Exhibit 25
to Standing Declaration of Andrew W. Young



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

August 12, 2021

CERTIFIED MAIL

South Fork Coal Company LLC
1295 Ashford Hill
Ashford, WV 25009

Re: Permit No. S300219 / SC #2048

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S300219** for 374.82 acre(s) near Richwood in Greenbrier County, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- Failure to prevent short-circuiting of sediment structures according to the approved Mining Plan. Cells 13, 14, 15, 16, and 17 spillways have blown out. Cell 14 is discharging water off bonded area and not through an approved NPDES Outlet. A diversion ditch has been constructed close to the top of the ridge above Sediment Ditch 5 to Cell 19. Outlet 005 is the discharge of Cell 19. **NOV 12**
- Failure to properly maintain the approved drainage system in temporary Sediment Ditch 8 in which they had removed cells and Outlet 008 without proper drainage control below. Sediment Ditch 8 has not been completed or certified. **NOV 21**
- Failure to construct sediment control structures in appropriate locations for the purposes of controlling sedimentation before surface mining disturbance. Located in the Drainage Area #7, Sediment Ditch 7 has not been certified. **NOV 13**
- Failure to properly construct the sediment control system in accordance with the approved plan. Company has started mining activities without a fully constructed and certified drainage in Drainage Areas 7 and 8. **NOV 20**
- Failure to follow permit conditions in that the timber and brush have not been disposed of according to the permit. Sections of downed timber and brush has been buried. Large and small piles are located sporadically throughout Drainage Areas 1, 2, 3, 4, and 5. **NOV 18 and NOV 22**
- **Cessation Order 27 issued for failure to abate NOV 22**
- Failure to follow permit conditions in that the timber and brush have not been disposed of according to the permit. Timber Root Walls, smaller

Promoting a healthy environment.

Page Two
South Fork Coal Company LLC
August 12, 2021

trees and brush have been laced and buried into the back stacks located in
Drainage Areas 4 and 5 of the permit. **NOV 23**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are *ORDERED* to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at 304-414-3725.

Sincerely,


John Flesher
Enforcement Coordinator

JF/mms

cc: Steve Sizemore, Regional Assistant Director
Manuel Seijo Environmental Supervisor
Stephen Cole, Environmental Inspector



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

August 12, 2021

First Surety Corporation
179 Summers St.
Suite 307
Charleston, WV 25301

Re: South Fork Coal Company LLC
Permit No. S-3002-19 SC #2048

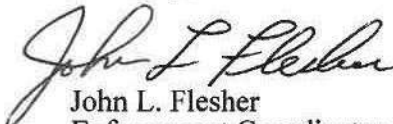
Surety Bond No.	Amount
11563-CR-WV	\$183,040.00
11515-CR-WV	\$262,240.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on August 12, 2021, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact Michele Sturey of this office at 304-414-3737.

Sincerely,


John L. Flesher
Enforcement Coordinator

JLF/mms



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

August 12, 2021

Lexon Insurance Company
10002 Shelbyville Rd.
STE 100
Louisville, KY 40223

Re: South Fork Coal Company LLC
Permit No. S-3002-19 SC #2048

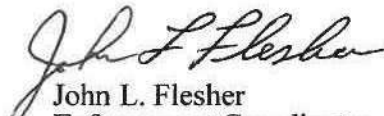
Surety Bond No.	Amount
1158828	\$109,120.00
1158829	\$105,600.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on August 12, 2021, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact Michele Sturey of this office at 304-414-3737.

Sincerely,


John L. Flesher
Enforcement Coordinator

JLF/mms

MR-10

Revised 01/09

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF MINING AND RECLAMATION

REQUEST FOR SHOW CAUSE ORDER

Permit # 7020 0090 0001 7595 2155

Permittee Name:	South Fork Coal Company LLC.	Permit Number: S-3002-19
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Mailing Address: 1295 Ashord Hill

Street Address (if mailing address is a Post Office Box) N/A

City Ashford **State** WV **Zip** 25009 **Telephone No.** 304-550-1517

Date Permit Issued: 11/13/2019		Current Permitted Acres: 374.82	
County: Greenbrier	Magisterial District: Williamsburg	Nearest Post Office: Richwood	
Surface Owner: Weyerhaeuser Company			
Date of Last Inspection: 6/11/2021		Estimated Disturbed Acres at Last Inspection: 160	
Has Mining Been Completed?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has Permit Been Phase I Released?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Describe Circumstances Which Resulted in Request for Show Cause Order:			
There is a pattern of violations for the following Enforcement Standards: 400 Sediment Control [Maintenance], 400 Sediment Control [Construction] and 2200 Method of Operations.			

NOTE: Attach MR-10A, MR-10B, photos, and supporting documentation to this report.

Inspector Signature: <i>Stefan Cole</i>	Date: 8/9/2021
Supervisor Signature: <i>Manus Sir</i>	Date: 8/10/2021

Distribution: Headquarters (original), Company, Regional File, Inspector

SC #2048

MR-10B

Revised 01/09

VIOLATION HISTORY FOR SHOW CAUSE

Describe below ONLY the history of violations which resulted in the attached "Request for Show Cause Order".

PERMITTEE Suth Fork Coal Company LLC.**PERMIT NO.** S-3002-19**VIOLATION #:**12**DATE OF VIOLATION:**4/20/21

Description of Violation: Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. Cells 13, 14, 15, 16 and 17 spillways have blown out. Cell 14 is discharging water off bonded area and not though an approved NPDES Outlet. A diversion ditch has been constructed close to the top of the ridge above sediment ditch 5 to Cell 19. Outlet 005 is the discharge of Cell 19.

(REM) Remedial Measures:**If willful or unwarranted, describe:** No work has been completed on the NOV. Repair work is schelded**Final Assessment Ratings:** Seriousness 6 Negligence 3 Good Faith 1**VIOLATION #:**21**DATE OF VIOLATION:**

Description of Violation: Company failed to properly maintain the approved drainage system in temporary sediment ditch # 8. In which they had removed cells and Outlet 008 without proper drainage control below. The Sediment Ditch # 8 has not been completed or certified.

If willful or unwarranted, describe: Violation was turned into FTACO NOV 26. Company started to work on the violation then and work on it until all of the Remedial Measures was completed. Violation was terminated.

Final Assessment Ratings: Seriousness 6 Negligence 4 Good Faith 2**VIOLATION #:****DATE OF VIOLATION:****Description of Violation:****If willful or unwarranted, describe:****Final Assessment Ratings:** Seriousness Negligence Good Faith .**Supervisor Recommendation:** *Positive Determination**M. Sgo*

I & E Supervisor

8/10/2021

Date

Alan Simon

Assistant Chief

8/11/2021

Date

MR-10B

Revised 01/09

VIOLATION HISTORY FOR SHOW CAUSE

Describe below ONLY the history of violations which resulted in the attached "Request for Show Cause Order".

PERMITTEE Suth Fork Coal Company LLC.PERMIT NO. S-3002-19

VIOLATION #:13

DATE OF VIOLATION:4/20/2021

Description of Violation:The company failed to constructed Sediment Control Structures in appropriate locations for the purposes of controlling sedimentation before Surface Mining Disturbance. Located in the Drainage Area # 7. Sediment Ditch 7 has not been certified.

If willful or unwarranted, describe:The permittee completed the remedial measures. Violation was terminated.

Final Assessment Ratings: Seriousness 3 Negligence 4 Good Faith 3

VIOLATION #:20

DATE OF VIOLATION:5/21/2021

Description of Violation:Company failed to properly construct the sediment control system in accordance with the approved plan. Company has started mining actives without a fully constructed and certified drainage in drainage areas 7 & 8.

If willful or unwarranted, describe:The permittee completed the remedial measures. Violation was terminated.

Final Assessment Ratings: Seriousness 3 Negligence 3 Good Faith 6.

VIOLATION #:

DATE OF VIOLATION:

Description of Violation:_____

If willful or unwarranted, describe:_____

Final Assessment Ratings: Seriousness Negligence Good Faith .

Supervisor Recommendation: Positive Determination

I & E Supervisor


Date


Assistant Chief


Date

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mining and Reclamation
Violation History Details Report
For the period 6/22/2016 To 6/22/2021
For PERMIT: S300219

June 22, 2021
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Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	05/07/2020 14:05	1	NOV	Permit Conditions	05/07/2020 14:05	NOV Issued	(DOV) Description of Violation: Company has conducted in surface mining operations outside of the permitted area. The Company has been and currenting using a logging haul road that belongs to Wearhouser Timber Company as an access between Blue Knob Permit S- 300511 and Pretty Ridge Permit S-300219. (REM) Remedial Measures: Cease ALL TRAVEL on the Wearhouser Timber Company Logging Road IMMEDIATELY between the Blue Knob Permit S- 300511 and the Pretty Ridge Permit S-300219. The logging road surface need repaired. If permitted, the road needs to bring up to specs according to the WV Surface Coal Mining and Reclamation Act in an IBR.
	05/14/2020 10:30	2	NOV	Diversions and Dra	06/05/2020 10:00	Terminated	(ATA) Action taken to abate: Terminated NOV # 1.
	05/14/2020 10:30				05/14/2020 10:30	NOV Issued	(DOV) Description of Violation: The company failed to constructed Sediment Control Structures in appropriate locations for the purposes of controlling sedimentation before Surface Mining Disturbance. Located in the Drainage Area # 1. (REM) Remedial Measures: Construct the Sediment Control Structures to the approved permit standards and certified.
					05/29/2020 12:00	Extended	(ATA) Action taken to abate: Company is planning how to correct the drainage.
					06/26/2020 16:00	Extended	(ATA) Action taken to abate: Extended NOV # 2. Work is being done to correct the NOV.

MR-10B

Revised 01/09

VIOLATION HISTORY FOR SHOW CAUSEDescribe below **ONLY** the history of violations which resulted in the attached "Request for Show Cause Order".

PERMITTEE <u>Suth Fork Coal Company LLC.</u>	PERMIT NO. <u>S-3002-19</u>
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VIOLATION #:18**DATE OF VIOLATION:**5/4/2021

Description of Violation: Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Sections of downed timber and brush has been buried. Large and small piles are located sporadically throughout drainage areas 1, 2, 3, 4 and 5.

If willful or unwarranted, describe: The permittee completed the remedial measures. Violation was terminated.

Final Assessment Ratings: Seriousness 4 Negligence 6 Good Faith 6

VIOLATION #:22**DATE OF VIOLATION:**5/21/2021

Description of Violation: Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Sections of downed timber and brush has been buried. Large and small piles are located sporadically throughout drainage areas 7 and 8.

If willful or unwarranted, describe: Violation was turned into FTACO NOV 27. Company started to work on the violation then and work on it until all of the Remedial Measures was completed. Violation was terminated.

Final Assessment Ratings: Seriousness 6 Negligence 6 Good Faith 1.

VIOLATION #:23**DATE OF VIOLATION:** 6/8/2021

Description of Violation: Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Timber Root Walls, smaller trees and brush have been placed and buried into the back stacks. Located in drainage areas 4 and 5 of the permit.

If willful or unwarranted, describe: Violation was turned into FTACO NOV 28. Company started to work on the violation then and work on it until all of the Remedial Measures was completed. Violation was terminated.

Final Assessment Ratings: Seriousness 4 Negligence 8 Good Faith 0.

Supervisor Recommendation:*Positive Determination*

[Signature]
I & E Supervisor

8/10/2021
Date

[Signature]
Assistant Chief

8/11/2021
Date

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	05/14/2020 10:30	2	NOV	Diversions and Drai	07/24/2020 14:00	Extended	(ATA) Action taken to abate: Extended NOV # 2. Company is putting the main sediment ditches in.
					08/12/2020 16:00	Extended	(ATA) Action taken to abate: Extended NOV # 2. Company is putting the main sediment ditches in.
					09/04/2020 15:00	Terminated	(ATA) Action taken to abate: Terminated NOV # 2.
	07/16/2020 15:00	3	NOV	Disposal of Excess	07/16/2020 15:00	NOV Issued	(DOV) Description of Violation: The company failed to follow the approved permit conditions. In which they dumped spoil, filling up Diversion Ditch # 2 and spilling in the SMZ between Diversion Ditch # 2 and Diversion Ditch # 1. They did clean out Diversion Ditch # 2, but they didn't clean up the spoil up in the SMZ. (REM) Remedial Measures: The spoil that is in the SMZ area must be removed. The disturbed area must be seeded, fertilized and mulched. The Diversion Ditch must meet the dimensions of the approved certification or re-certified.
					07/24/2020 16:00	Extended	(ATA) Action taken to abate: Extended NOV # 3. The spoil was removed from the SMZ. It still needs seeded and mulched. The sediment ditch doesn't meet the width of the certification. It must be widening or rectification.
					08/16/2020 17:00	Extended	(ATA) Action taken to abate: Extended NOV # 3. Company has ordered straw.
					08/31/2020 15:00	Terminated	(ATA) Action taken to abate: Terminated NOV # 3.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	08/06/2020 13:05	4	CO	Permit Conditions	08/06/2020 13:05	IHCO Issued	(DOV) Description of Violation: During the company mining operations, the company failed to follow permit conditions in that. They did not follow the Indiana Bat Protection and Enhancement Plan. They cleared / removed trees that was over 5.0 inches at DBH. [Diameter at Breast Height] During the time of year where no trees can be removed. March 31st to October 15th is permitted that no trees above 5' BDH can be removed. In packed areas are : Drainage Area 1 - approximately 3 acres disturbed and Drainage Areas 2&3 - approximately 3 acres disturbed. (REM) Remedial Measures: Stop immediately removing trees above 5 inches DBH. Follow the guidelines set for by the approved permit section that includes the Indiana Bat Protection and Enhancement Plan.
					08/06/2020 13:25	Terminated	(ATA) Action taken to abate: Terminated the IHCO.
	01/07/2021 11:30	5	NOV	Sediment Control	01/07/2021 11:30	NOV issued	(DOV) Description of Violation: Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. Sediment Ditch # 2 Cells # 12 and 14, the outer berm has slipped. In which it is letting water discharging over top of the outer berm and off permit. Cell # 20 and or 21 is leaking out of the cell[s] discharging off permit. (REM) Remedial Measures: Repair the berms and leaking section of the Sediment Ditch 2 Cells #12, 14, 20 and 21. Ensuring that water can discharge through the approved Outlet # 002 and # 003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	01/07/2021 11:30	5	NOV	Sediment Control	01/27/2021 14:00	Modified to C (ATA) Action taken to abate: Modified NOV # 5 to a CO. Company has not attempt to correction or stabilized the slipped areas in Sediment Ditch # 2 Cells # 12 and 14 with in abate date. The outer half of the embankment has failed.	
	01/27/2021 14:00	6	CO	Sediment Control	01/27/2021 14:00	FTACO Issu	(DOV) Description of Violation: Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. Sediment Ditch # 2 Cells # 12 and 14, the outer berm has slipped. In which it is letting water discharging over top of the outer berm and off permit. Cell # 20 and or 21 is leaking out of the cell[s] discharging off permit.
							(REM) Remedial Measures: Repair the berms and leaking section of the Sediment Ditch 2 Cells #12, 14, 20 and 21. Ensuring that water can discharge though the approved Outlet # 002 and # 003. Cells repaired must be Recertified and seeded.
					02/26/2021 13:00	Show Cause	(ATA) Action taken to abate: Cell 14 and 16 has been pumped down. Repairs has been started on cell 14 only. Cell 20 and or 21 has not been worked on. Turned the FTACO into a Show Cause. Work that must be completed: Repair the berms and leaking section of the Sediment Ditch 2 Cells #12, 14, 20 and 21. Ensuring that water can discharge though the approved Outlet # 002 and # 003. Cells repaired must be Recertified and seeded. FTACO has ran for 30 days.

03/10/2021 00:00 Consent Order (ATA) Action taken to abate: Consent Order in effect, SC 2028

June 22, 2021

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No. Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL COI S300219	03/26/2021 10:45	7	NOV Blasting Procedures	03/26/2021 10:45	NOV Issued	(DOV) Description of Violation: Company failed to republish Public Notice of Blasting Operations and notify residents of the blasting schedule and warning signals at least 10, but not more than 30 days prior to blasting. Blasting Ad ran out on March 9, 2021. There were Blasting on S-3002-19, running from March 10 to March 29, 2021. (REM) Remedial Measures: Cease Blasting immediately, publish the blast ad and submit a copy of the ad and certification of publication to the OEB specialist. Notify all landowners within 7/10 mile of the blasting area, of the blasting schedule and warning signals. Submit mail receipts to the OEB specialist to match T-4 List. Submit the 38A. Submit a New Blast Map.
				04/05/2021 08:00	Terminated	(ATA) Action taken to abate: Terminated NOV 7.
	03/26/2021 11:10	8	NOV Blasting Procedures	03/26/2021 11:10	NOV Issued	(DOV) Description of Violation: Company failed to use proper blasting procedures in that blasting occurred on permit S-3002-19 without a current blast ad. Blasting occurred on March 10th @ 3:25 pm, 11th @ 3:23 pm, 12th @ 4:00 pm, 13th @ 1:28 pm, 15th @ 3:37 pm, 17th @ 3:20 pm, 22nd @ 3:45 pm, 25th @ 3:26 pm, 26th @ 3:30 pm, and 29th @ 3:26 pm. (REM) Remedial Measures: Cease Blasting immediately, blasting may resume after Violation 7 has been terminated.
				04/05/2021 08:05	Terminated	(ATA) Action taken to abate: Terminated NOV 8.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

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Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL COI S300219	03/26/2021 15:40	9	NOV	Blasting Procedures	03/26/2021 15:40	NOV Issued	(DOV) Description of Violation: Company failed to use proper blasting procedures in that blasting occurred on permit S-3002-19 without a current blast ad. A Production Shot occurred on March 26, 2021 @ 3:30 PM.
							(REM) Remedial Measures: Cease Blasting immediately, blasting may resume after Violation 7 has been terminated.
					04/05/2021 08:10	Terminated	(ATA) Action taken to abate: Terminated NOV 9.
	03/29/2021 15:40	10	NOV	Blasting Procedures	03/29/2021 15:40	NOV Issued	(DOV) Description of Violation: Company failed to use proper blasting procedures in that blasting occurred on permit S-3002-19 without a current blast ad. A Production Shot occurred on March 29, 2021 @ 3:26 PM.
							(REM) Remedial Measures: Cease Blasting immediately, blasting may resume after Violation 7 has been terminated.
					04/05/2021 08:20	Terminated	(ATA) Action taken to abate: Terminated NOV 10.

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Mining and Reclamation****Violation History Details Report****For the period 6/22/2016 To 6/22/2021****For PERMIT: S300219**

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO	S300219	04/15/2021 12:10	11	NOV	Haul Roads	04/15/2021 12:10	NOV Issued	(DOV) Description of Violation: The company failed to maintain the Haul Road Slumps and Road Drainages IN SECTIONS THOUGH OUT THE ENTIRE HAUL ROAD. The Haul Road is not up to the performance standards set forth by the approved permit. Serval Road Slumps are 100% full and has Zero Capacity, outside berm in the slump on haul road has blown out in serval places and Haul Road is not draining correctly. Water has been discharging off the haul road and not flowing through an approved slump.
								(REM) Remedial Measures: Clean All Slumps to 100% capacity. Repair all road slumps to permit standards. Ensure that discharging water from the permitted haul road will pass through a slump that is up to permit standards.
						04/26/2021 15:00	Terminated	(ATA) Action taken to abate: Terminated NOV 11.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

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Responsible Party Name Permit Id	Violation Date	V.No. Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	04/20/2021 09:30	12	NOV Sediment Control	04/20/2021 09:30	NOV Issued	(DOV) Description of Violation: Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. Cells 13, 14, 15, 16 and 17 spillways have blown out. Cell 14 is discharging water off bonded area and not through an approved NPDES Outlet. A diversion ditch has been constructed close to the top of the ridge above sediment ditch 5 to Cell 19. Outlet 005 is the discharge of Cell 19. (REM) Remedial Measures: Reconstruct Cells 13, 14, 15, 16 and 17 spillways. Seal Cell 14, ensuring that the cell has stopped discharging water through the berm. Recertify Cells 13, 14, 15, 16 and 17. Certify the diversion ditch has been constructed close to the top of the ridge above sediment ditch 5 to Cell 19. NPDES Outlet Sign 005 must be relocated to the Outlet 005 location.
	05/07/2021 18:02	Extended				(ATA) Action taken to abate: Extended NOV 12.
	06/06/2021 16:00	Extended				(ATA) Action taken to abate: Extended NOV 12. Company must work to correct the violation.

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Mining and Reclamation****Violation History Details Report****For the period 6/22/2016 To 6/22/2021****For PERMIT: S300219**

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL COI S300219	04/20/2021 11:20	13	NOV	Sediment Control	04/20/2021 11:20	NOV Issued	(DOV) Description of Violation: The company failed to construct Sediment Control Structures in appropriate locations for the purposes of controlling sedimentation before Surface Mining Disturbance. Located in the Drainage Area # 7. Sediment Ditch 7 has not been certified.
							(REM) Remedial Measures: Immediately Install Sediment Control Structure or Structures in Drainage Area # 7 Submit Certification Sediment Control Structure or Structures.
					05/05/2021 18:00	Extended	(ATA) Action taken to abate: Extended NOV 13. A berm has been placed the disturbance. Company must submit a Certification to cover the disturbed area.
					06/03/2021 10:00	Terminated	(ATA) Action taken to abate: Terminated NOV 13.
	04/27/2021 13:30	14	NOV	Surface Water	04/27/2021 13:30	NOV Issued	(DOV) Description of Violation: Company has failed to submit 4th quarter 2020 and 1st quarter 2021 Article 3 Stream Water Reports to the WV DEP.
							(REM) Remedial Measures: Submit 4th quarter 2020 and 1st quarter 2021 Article 3 Stream Water Reports or submit the 2nd quarter Article 3 Stream Water Reports to the Inspector.
					05/27/2021 16:00	Extended	(ATA) Action taken to abate: Extended NOV 14. No Art. 3 reports has been submitted yet.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No. Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	05/04/2021 07:50	15	NOV Permit Conditions	05/04/2021 07:50	NOV Issued	(DOV) Description of Violation: Company failed to follow permit conditions in that are mining in the second, third and four phases in the approved permit. While the reclamation in the second and third phases HAS NOT BEEN COMPLETED. VEGETATED RECLAMATION IS AT ZERO PERCENT on this permit.
						(REM) Remedial Measures: Company MUST bring the permit back in to compliance to the phase they are working in. Regarding to Percentages of Disturbance and Regraded Area. Submit a progression letter to the inspector by the First of the month. With an estimation in acres that had been totally reclaimed, totally seeded and the total amount of disturbed area during the last week of that month. Submit a Progress map after permit is back into compliance.
				06/03/2021 10:10	Extended	(ATA) Action taken to abate: Extended NOV 15. Company has worked on violation.
	05/04/2021 08:10	16	NOV Method of Operatio	05/04/2021 08:10	NOV Issued	(DOV) Description of Violation: Company failed to properly seal all auger holes with an impervious and non-combustible material in order to prevent drainage into and out of the auger holes above Sediment Ditch # 8. There are 25 to 30 High Wall Miner Auger Holes that are opened. The Pit drainage is flowing into several of them.
						(REM) Remedial Measures: Complete seal the auger holes with an impervious and non-combustible material above Sediment Ditch # 8. To prevent water flowing in and out of the auger holes.
				05/13/2021 11:00	Terminated	(ATA) Action taken to abate: Terminated NOV 16.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No. Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	05/04/2021 10:20	17	NOV Revegetation Requi	05/04/2021 10:20	NOV Issued	(DOV) Description of Violation: Fail to minimize the disturbance to the prevailing hydrologic balance at the mine site and in associated off-site-areas. The company removed the pipe between DD3 and DD4. The ground was dressed up, but they DID NOT stabilize the disturbed area in the stream area. Nothing was done in order to prevent sediment entering into the stream.
						(REM) Remedial Measures: Place silt fence or Straw Bailes up to prevent any sediment leaving the permit and entering the stream in 24 hours after receiving this violation between Sediment Ditches DD3 and DD4. Seed, fertilize, and mulch the area that was disturbed when the pipe was removed. Recertify Sediment Ditches DD3 and DD4.
				05/14/2021 16:00	Extended	(ATA) Action taken to abate: Extended NOV 17. 3 Straw Bailes were placed in the spillway. Seed, fertilize, and mulch the area has not been completed.
				06/03/2021 11:00	Extended	(ATA) Action taken to abate: Extended NOV 17. Seeding, fertilize, and mulch the area has not been completed.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL COI S300219	05/04/2021 11:10	18	NOV	Method of Operation	05/04/2021 11:10	NOV Issued	(DOV) Description of Violation: Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Sections of downed timber and brush has been buried. Large and small piles are located sporadically throughout drainage areas 1, 2, 3, 4 and 5.
							(REM) Remedial Measures: All timber and brush that has been buried must be uncovered. With that woody debris, other timber and other brush must be disposed according to the approved permit. In drainage areas 1, 2, 3, 4 and 5. If a Fire Permit is obtained. Submit a copy of it to the inspector.
					06/03/2021 11:30	Terminated	(ATA) Action taken to abate: Terminated NOV 18.
	05/21/2021 10:10	19	NOV	Diversions and Drai	05/21/2021 10:10	NOV Issued	(DOV) Description of Violation: Company failed to properly maintain the approved drainage system DD1 and DD2. Where they crossed the Diversion Ditches, they filled in and blocked the drainage in DD1 and DD2.
							(REM) Remedial Measures: Pipes must be installed in both DD1 and DD2. To ensure that the drainage is not impeded. Disturbed areas in the Green Zone must be Seeded, Fertilized and Mulched. Submit certification of the Green Zone Crossing at DD1 and DD2.
					06/11/2021 16:00	Extended	(ATA) Action taken to abate: Extended NOV 19. Company must work on violation.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	05/21/2021 11:00	20	NOV	Sediment Control	05/21/2021 11:00	NOV Issued	(DOV) Description of Company failed to properly construct the sediment control system in accordance with the approved plan. Company has started mining activities without a fully constructed and certified drainage in drainage areas 7 & 8. (REM) Remedial Measures: Company must stop all disturbance in drainage areas 7 & 8 that does not have any certified drainage controls. Complete the Sediment Ditches below the disturbance and certify.
					06/11/2021 16:10	Terminated	(ATA) Action taken to abate: Terminated NOV 20. Area was backfilled.
	05/21/2021 11:20	21	NOV	Sediment Control	05/21/2021 11:20	NOV Issued	(DOV) Description of Violation: Company failed to properly maintain the approved drainage system in temporary sediment ditch # 8. In which they had removed cells and Outlet 008 without proper drainage control below. The Sediment Ditch # 8 has not been completed or certified. (REM) Remedial Measures: Company must complete and certify Sediment Ditch # 8.
					06/11/2021 17:00	Extended	(ATA) Action taken to abate: Extended NOV 21. Company must work on the violation.
					06/16/2021 12:15	Modified to C	(ATA) Action taken to abate: No work has been done to terminate NOV 21. The company has removed the equipment off permit that was working in that sediment ditch. Water is pooling up on the bench above Temporary Sediment Ditch 8.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	05/21/2021 11:30	22	NOV	Method of Operation	05/21/2021 11:30	NOV Issued	(DOV) Description of Violation: Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Sections of downed timber and brush has been buried. Large and small piles are located sporadically throughout drainage areas 7 and 8.
							(REM) Remedial Measures: All timber and brush that has been buried must be uncovered. With that woody debris, other timber and other brush must be disposed according to the approved permit. In drainage areas 7 and 8. If a Fire Permit is obtained. Submit a copy of it to the inspector.
					06/11/2021 17:00	Extended	(ATA) Action taken to abate: Extended NOV 22. Company must work on the violation.
					06/16/2021 12:10	Modified to C	(ATA) Action taken to abate: After NOV 22 has been issued. Company is continuing to cover timber and woody debris in Drainage Areas 7. Without any grubbing, burning or making any attempt in disposing of it correctly according to the approved permit.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	06/08/2021 11:30	23	NOV	Method of Operation	06/08/2021 11:30	NOV Issued	(DOV) Description of Violation: Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Timber Root Walls, smaller trees and brush have been placed and buried into the back stacks. Located in drainage areas 4 and 5 of the permit.
							(REM) Remedial Measures: In drainage areas 4 and 5. All Timber Root Walls, smaller trees and brush that has been placed into the back fill must be removed. Then it must be disposed according to the approved permit.
					06/16/2021 12:45	Modified to C (ATA)	Action taken to abate: Company has made no attend to terminate NOV 23 that is in Drainage Areas 4 and 5. Timber Root Walls, smaller trees and brush that had been placed and buried into the back stacks are still there.
	06/11/2021 18:45	24	NOV	Diversions and Drai	06/11/2021 18:45	NOV Issued	(DOV) Description of Violation: Company failed to properly maintain the approved drainage system DD2. When the haul road was relocated back next to DD2. A large section of the outer berm section was removed and was not reconstructed back to permit standards.
							(REM) Remedial Measures: The outer section of DD2 that was removed must be reconstructed back to permit standards. Disturbed areas must be Seeded, Fertilized and Mulched. Recertify DD2 and an WV DEP I & E Inspector or Supervisor must sign off on certification.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

June 22, 2021

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Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL COF S300219	06/11/2021 19:40	25	NOV	Haul Roads	06/11/2021 19:40	NOV Issued	(DOV) Description of Violation: The company failed to maintain the Haul Road Slump and Road Drainage between stations 20+00 and 22+00. In the dip before the # 2 in sign. The Haul Road is not up to the performance standards set forth by the approved permit. Road Slumps are 100% full and has Zero Capacity. Also Haul Road surface water is leaving the bonded area by bypassing a certified slump and flowing straight into the stream.
							(REM) Remedial Measures: Clean Slumps to 100% capacity between stations 20+00 and 22+00. Also, Repair the berm to ensure that all water leaving the bonded area passes through a certified slump.
	06/16/2021 12:20	27	CO	Method of Operation	06/16/2021 12:20	FTACO Issued	(DOV) Description of Violation: After NOV 22 has been issued. Company is continuing to cover timber and woody debris in Drainage Areas 7. Without any grubbing, burning or making any attempt in disposing of it correctly according to the approved permit.
							(REM) Remedial Measures: All timber and brush that has been buried in drainage areas 7 and 8 must be uncovered and disposed of according to the approved permit.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

June 22, 2021

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Mining and Reclamation

Violation History Details Report

For the period 6/22/2016 To 6/22/2021

For PERMIT: S300219

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Viol.Act.Date	Eval. Desc.	Violation Activity Text
SOUTH FORK COAL CO# S300219	06/16/2021 12:26	26	CO	Sediment Control	06/16/2021 12:26	FTACO Issu	(DOV) Description of Violation: No work has been done to terminate NOV 21. The company has removed the equipment off permit that was working in that sediment ditch. Water is pooling up on the bench above Temporary Sediment Ditch 8.
							(REM) Remedial Measures: ALL COAL PRODUCTION MUST STOP IMMEDIATELY in Drainage Area 8. Company must complete Permanent Sediment Ditch 8 or repair Temporary Sediment Ditch 8. Submit the Certification of the Sediment Ditch after the completion or reconstruction has been completed. An WV DEP I & E Inspector or Supervisor must sign off on certification.
	06/16/2021 12:50	28	CO	Method of Operation	06/16/2021 12:50	FTACO Issu	(DOV) Description of Violation: Company has made no attend to terminate NOV 23 that is in Drainage Areas 4 and 5. Timber Root Walls, smaller trees and brush that had been placed and buried into the back stacks are still there.
							(REM) Remedial Measures: In drainage areas 4 and 5. All Timber Root Walls, smaller trees and brush that has been placed into the back fill must be removed. Then it must be disposed according to the approved permit.

MR-6 (rev 4/20)
ERISWest Virginia Department of Environmental Protection
MR-6 MINE INSPECTION REPORT

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PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S300219	04/20/2021	08:30	RI	P	AM	Yes	Yes	Yes

PERMITTEE NAME		SOUTH FORK COAL COMPANY, LLC		MSHA #		46-09448	
OPERATOR NAME				MR-19 DATE			
NPDES #	WV1030027	NPDES EXPR DATE	11/18/2024	PERMIT EXPR DATE	11/13/2024		
PERMIT ACRES	374.82	TOTAL DISTBD	0.00	RECLMD	0.00	ANCIL- LARY	5
						UNRECLMD	0
DATES: PH I		PH II		LAST AUG SEED		MR-8	
LAST INSP DATE	04/15/2021	TYPE	P	BOND INC	4	INC BONDED ACRES	374.82
						CUR IBR#	0
						CUR REV#	2
EXPR DATES: INACT		EMER RESP PLAN		INS	07/01/2021	BLAST AD	04/10/2022
TIME USED (HRS)⇒ PERMIT REVIEW		0.50	INSPECT	2.00	TRAVEL	0.00	REPORT
							0.75

INSPECTION COMMENTS

Issued NOV 12 and SEV 4. Outlet 005 sign needs relocated. Blasting Ad has been published.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....	Comments		0400 Sediment Control.....	NOV Issued	12
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....	Comments		1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....	Full Compliance	
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....			3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Mail 4/21/2021 09:00:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

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West Virginia Department Of Environmental Protection

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MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	04/20/2021	08:30	6 (rev 4/20)		0400	04/20/2021	09:30	12	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME

MSHA ID# 46-09448

NPDES #

OWNER/CONTROLLER

CONTRACT BLASTING FIRM

BLASTER NAME
(CERT #)

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 20th day of April, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-13[a]

Reg 38-2-
5.4.b.6.

[DOV] Description of Violation:

Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. Cells 13, 14, 15, 16 and 17 spillways have blown out. Cell 14 is discharging water off bonded area and not through an approved NPDES Outlet. A diversion ditch has been constructed close to the top of the ridge above sediment ditch 5 to Cell 19. Outlet 005 is the discharge of Cell 19.

[REM] Remedial Measures:

Reconstruct Cells 13, 14, 15, 16 and 17 spillways. Seal Cell 14, ensuring that the cell has stopped discharging water through the berm. Recertify Cells 13, 14, 15, 16 and 17. Certify the diversion ditch has been constructed close to the top of the ridge above sediment ditch 5 to Cell 19. NPDES Outlet Sign 005 must be relocated to the Outlet 005 location.

MUST BE CORRECTED BY DATE 05/07/2021 08:00

☒ NOV Issued☐ CO Modified to NOV☒ Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Hand 4/21/2021 09:00:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

04/20/2021

[WV DEP Rep/Date]

Contact Stephen C Cole at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

Cole, Stephen C

From: Cole, Stephen C
Sent: Tuesday, April 27, 2021 10:42 AM
To: Cole, Stephen C
Subject: Pretty Ridge nov12



5-300 219

Nov #12

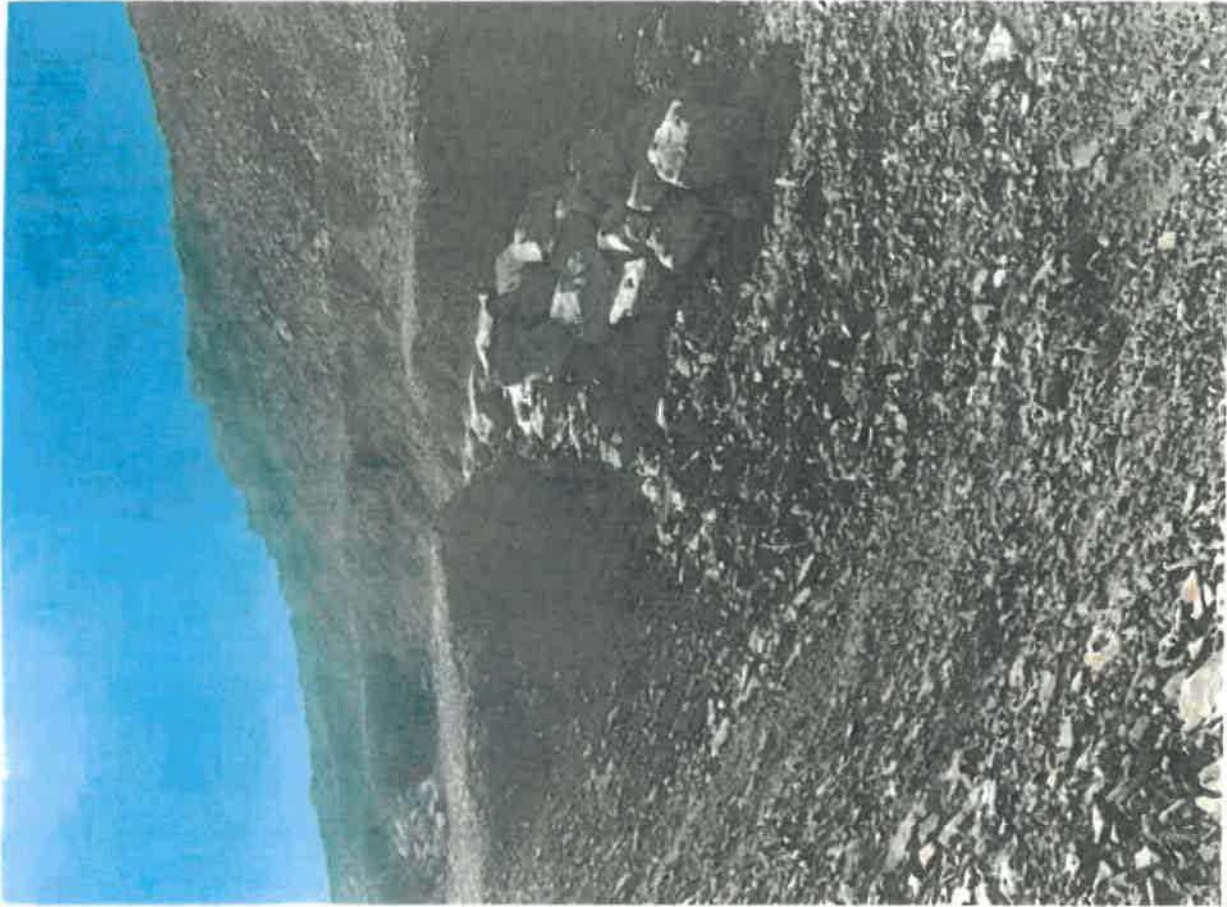
4/20/21



5-300219

unit 12

4/24/21



note 12

8-300219

4/24/21



Steve

5-300219

Nov 12

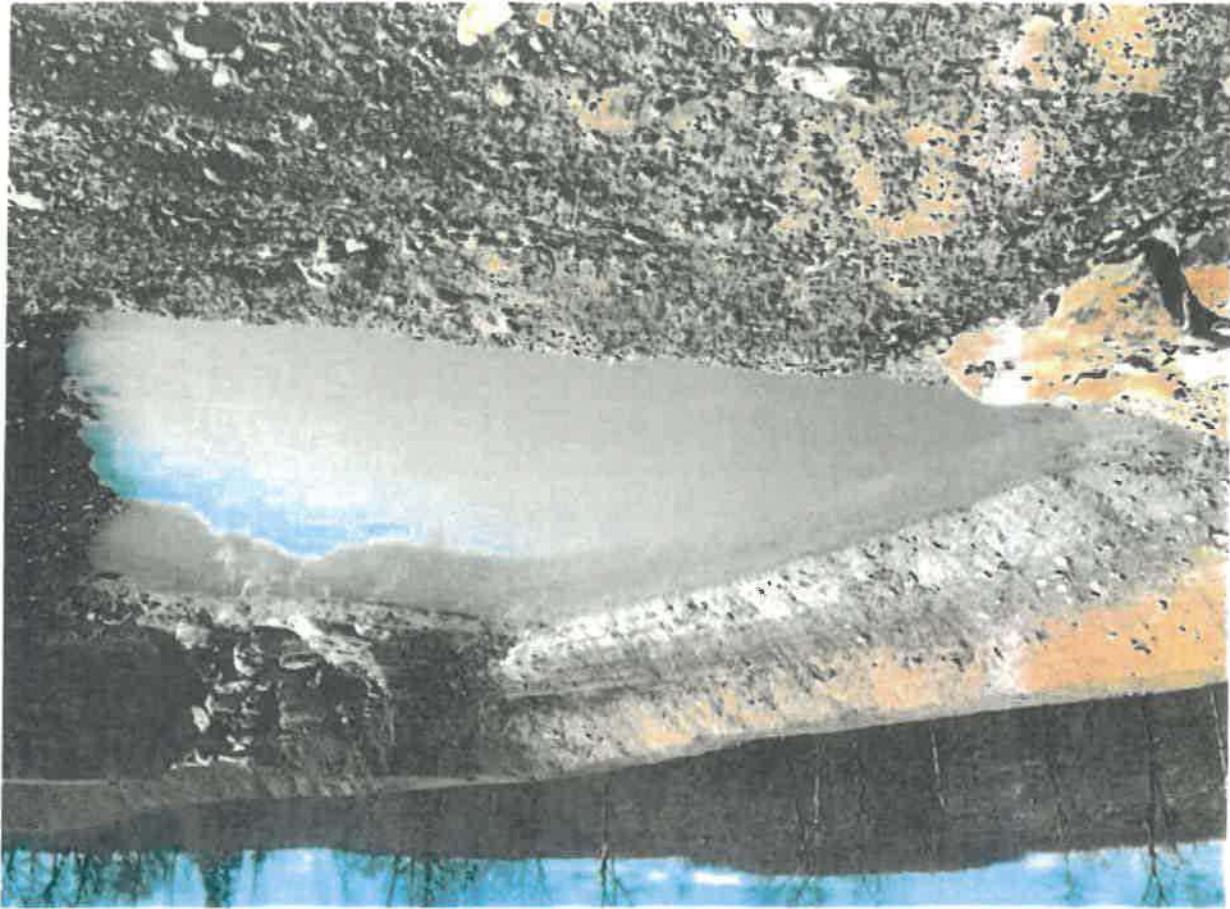
4/20/21



5-301211

2004 12

4/20/21



Steve

5-300219

NV#12

4/20/21



S. 300219

Nov #12

4/20/21

Cole, Stephen C

From: Cole, Stephen C
Sent: Tuesday, April 27, 2021 10:42 AM
To: Cole, Stephen C
Subject: Pretty Ridge nov 12 a



NOV #12

5-300219

4/20/21

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West Virginia Department Of Environmental Protection

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MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	04/20/2021	08:30	6 (rev 4/20)		0400	12	05/07/2021	18:02

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☒ Extended to 06/06/2021 at 08:00 ☐ NOV modified to CO # ☐ CO modified to NOV #

Action taken to abate:

Extended NOV 12.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Mail 5/13/2021 08:00:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date _____

Names of individuals at informal Conference:

Results: CO was:	<input type="checkbox"/> Upheld	<input type="checkbox"/> Modified	<input type="checkbox"/> Terminated	<input type="checkbox"/> Withdrawn
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Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-6 (rev 4/20)

West Virginia Department of Environmental Protection

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MR-6 MINE INSPECTION REPORT

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S300219	04/20/2021	11:00	RI	P	AM	Yes	Yes	Yes

PERMITTEE NAME		SOUTH FORK COAL COMPANY, LLC				MSHA #		46-09448	
OPERATOR NAME						MR-19 DATE			
NPDES #	WV1030027	NPDES EXPR DATE		11/18/2024		PERMIT EXPR DATE		11/13/2024	
PERMIT ACRES	374.82	TOTAL DISTBD	0.00	RECLMD	0.00	ANCIL- LARY	5	UNRECLMD	0
DATES: PH I		PH II		LAST AUG SEED		MR-8			
LAST INSP DATE	04/20/2021	TYPE	P	BOND INC	4	INC BONDED ACRES	374.82	CUR IBR#	0
CUR REV#		2							
EXPR DATES: INACT		EMER RESP PLAN		INS		07/01/2021		BLAST AD	
04/10/2022									
TIME USED (HRS)⇒ PERMIT REVIEW		0.50		INSPECT		1.00		TRAVEL	
0.00								REPORT	
0.75									

INSPECTION COMMENTS

Issued NOV 13.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....	Full Compliance		1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..	NOV Issued	13	2600 Fugitive Dust Control.....	Full Compliance	
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....			3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Hand 4/21/2021 09:00:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

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West Virginia Department Of Environmental Protection

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MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	04/20/2021	11:00	6 (rev 4/20)		0400	04/20/2021	11:20	13	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME

MSHA ID# 46-09448

NPDES #

OWNER/CONTROLLER

CONTRACT BLASTING FIRM

BLASTER NAME
(CERT #)

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 20th day of April, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

22-3-13[b]

6.4.a

[DOV] Description of Violation:

The company failed to construct Sediment Control Structures in appropriate locations for the purposes of controlling sedimentation before Surface Mining Disturbance. Located in the Drainage Area # 7. Sediment Ditch 7 has not been certified.

[REM] Remedial Measures:

Immediately install Sediment Control Structure or Structures in Drainage Area # 7. Submit Certification Sediment Control Structure or Structures.

MUST BE CORRECTED BY DATE 05/05/2021 08:00

☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Mail 4/21/2021 09:00:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

04/21/2021

[WV DEP Rep/Date]

Contact Stephen C Cole at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

Cole, Stephen C

From: Cole, Stephen C
Sent: Wednesday, May 5, 2021 12:06 PM
To: Cole, Stephen C
Subject: PR nov 13



5-300219

nov 13

4/20/21



5300219

NOV 13

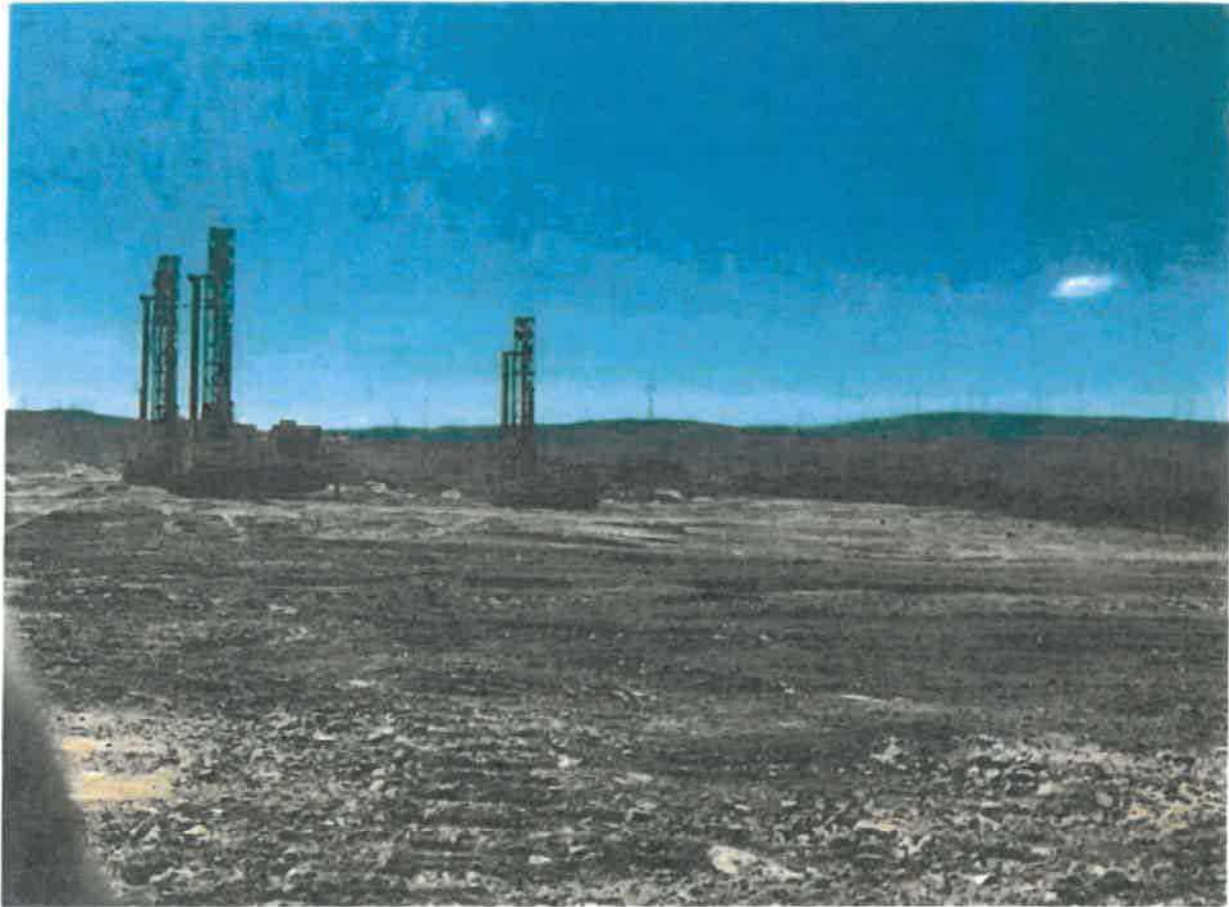
4/20/21



5-300219

NOV # 13

4/20/21



Steve

5-300217

Nov #13

4/20/21

MR-16

West Virginia Department Of Environmental Protection

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ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	04/20/2021	11:00	6 (rev 4/20)		0400	13	06/03/2021	10:00

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted
☐ Extended to _____ at _____ ☐ NOV modified to CO # _____ ☐ CO modified to NOV # _____

Action taken to abate:

Terminated NOV 13.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Mail 6/9/2021 10:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-6 (rev 4/20)

West Virginia Department of Environmental Protection

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ERIS

MR-6 MINE INSPECTION REPORT

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S300219	05/21/2021	10:00	RI	P	AM	Yes	Yes	Yes

PERMITTEE NAME		SOUTH FORK COAL COMPANY, LLC				MSHA #		46-09448	
OPERATOR NAME						MR-19 DATE			
NPDES #	WV1030027	NPDES EXPR DATE	11/18/2024		PERMIT EXPR DATE	11/13/2024			
PERMIT ACRES	374.82	TOTAL DISTBD	0.00	RECLMD	0.00	ANCIL- LARY	5	UNRECLMD	0
DATES: PH I		PH II		LAST AUG SEED		MR-8			
LAST INSP DATE	05/11/2021	TYPE	P	BOND INC	4	INC BONDED ACRES	374.82	CUR IBR#	0
CUR REV#		2		INS		07/01/2021		BLAST AD	
04/10/2022		EXPR DATES: INACT		EMER RESP PLAN		INS		07/01/2021	
TIME USED (HRS) ==>		PERMIT REVIEW	0.75	INSPECT	2.00	TRAVEL	0.00	REPORT	0.75

INSPECTION COMMENTS

Issued NOV 19 and 20.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....	NOV Issued	
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..	NOV Issued		2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....	Full Compliance	
2900 Bonding Current.....	Full Compliance		3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Certified 5/24/2021 13:00:00

CERTIFIED MAIL NUMBER 7020 0080 0001 7595 1417

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

MR-15

West Virginia Department Of Environmental Protection

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ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	05/21/2021	10:00	6 (rev 4/20)		0400	05/21/2021	11:00	20	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME _____

MSHA ID# 46-09448

NPDES # _____

OWNER/CONTROLLER _____

If different from above

CONTRACT BLASTING FIRM _____

BLASTER NAME _____

(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

22-3-13[b][10][C]

5.4.b.1

[DOV] Description of Violation:

failed to properly construct the sediment control system in accordance with the approved plan. Company has started mining activities without a fully constructed and certified drainage in drainage areas 7 & 8.

[REM] Remedial Measures:

Company must stop all disturbance in drainage areas 7 & 8 that does not have any certified drainage controls. Complete the Sediment Ditches below the disturbance and certify.

MUST BE CORRECTED BY DATE 06/11/2021 08:00☒ NOV Issued☐ CO Modified to NOV☒ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Certified 5/24/2021 13:00:00CERTIFIED MAIL NUMBER 7020 0090 0001 7595 1417ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

05/24/2021

[WV DEP Rep/Date]

Contact Stephen C Cole at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

Cole, Stephen C

From: Cole, Stephen C
Sent: Tuesday, June 22, 2021 11:41 AM
To: Cole, Stephen C
Subject: 20 Pr



5-300219

5/21/21

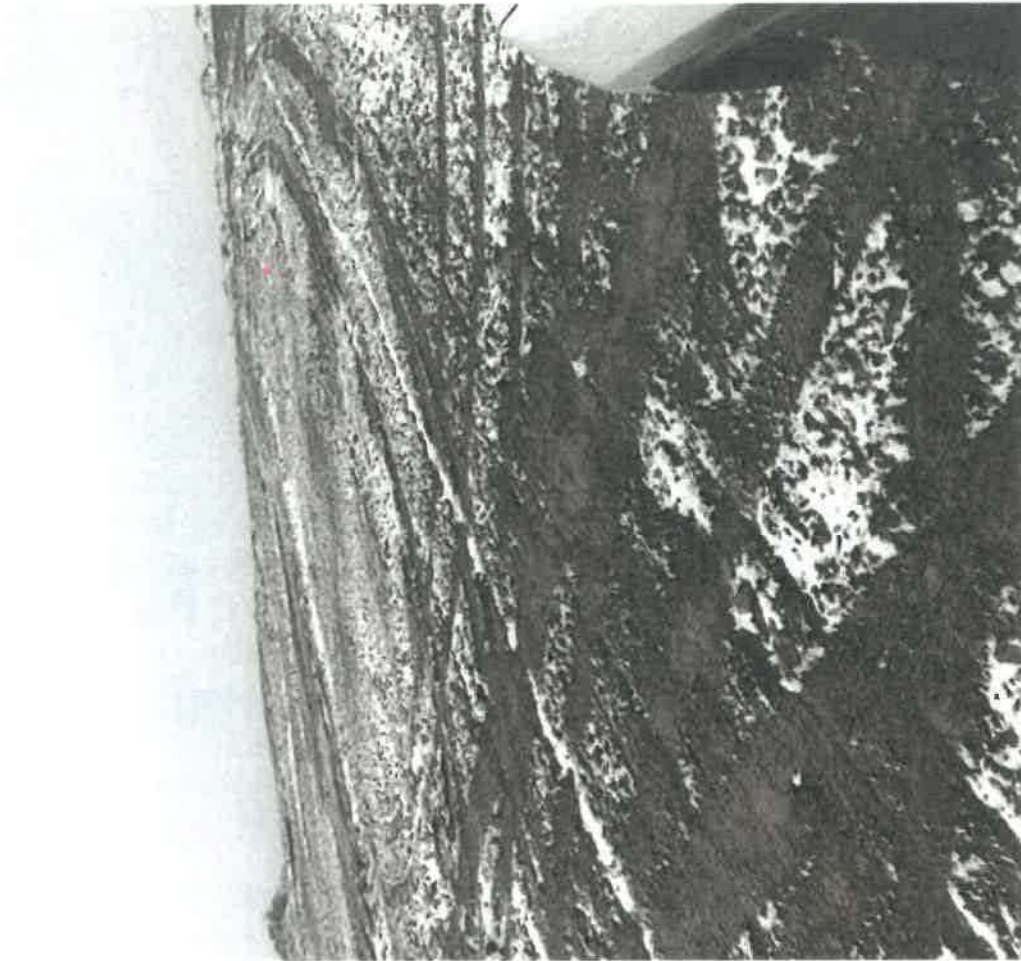
NOV 20



5-300219

5/21/21

NOV 20



Steve

S-300219

S/21/21

NOV 20

Cole, Stephen C

From: Cole, Stephen C
Sent: Tuesday, June 22, 2021 11:42 AM
To: Cole, Stephen C
Subject: 20pr a



5-300219

5/21/21

Nov 20



Steve

5-300219

5/21/21

NOV 20

MR-16

West Virginia Department Of Environmental Protection

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ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	05/21/2021	10:00	6 (rev 4/20)		0400	20	06/11/2021	16:10

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted
☐ Extended to _____ at _____ ☐ NOV modified to CO # _____ ☐ CO modified to NOV # _____

Action taken to abate:

Terminated NOV 20. Area was backfilled.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Mail 6/14/2021 10:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-6 (rev 4/20)
ERISWest Virginia Department of Environmental Protection
MR-6 MINE INSPECTION REPORT

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PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S300219	05/21/2021	11:10	RI	P	AM	Yes	Yes	Yes

PERMITTEE NAME		SOUTH FORK COAL COMPANY, LLC		MSHA #		46-09448	
OPERATOR NAME				MR-19 DATE			
NPDES #	WV1030027	NPDES EXPR DATE	11/18/2024	PERMIT EXPR DATE	11/13/2024		
PERMIT ACRES	374.82	TOTAL DISTBD	0.00	RECLMD	0.00	ANCIL-LARY	5
				UNRECLMD		0	
DATES: PH I		PH II		LAST AUG SEED		MR-8	
LAST INSP DATE	05/21/2021	TYPE	P	BOND INC	4	INC BONDED ACRES	374.82
				CUR IBR#	0	CUR REV#	2
EXPR DATES: INACT		EMER RESP PLAN		INS		07/01/2021	BLAST AD
						04/10/2022	
TIME USED (HRS)=> PERMIT REVIEW		0.75		INSPECT	2.00	TRAVEL	0.00
				REPORT		0.75	

INSPECTION COMMENTS
Issued NOV 21 and 22.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....	NOV Issued	21
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....	NOV Issued	21
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....	Full Compliance	
2900 Bonding Current.....	Full Compliance		3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Certified 5/24/2021 13:00:00

CERTIFIED MAIL NUMBER 7020 0090 0001 7595 1417

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

MR-15

West Virginia Department Of Environmental Protection

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ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	05/21/2021	11:10	6 (rev 4/20)		0400	05/21/2021	11:20	21	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME _____

MSHA ID# 48-09448

NPDES # _____

OWNER/CONTROLLER _____

If different from above

CONTRACT BLASTING FIRM _____

BLASTER NAME _____

(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

22-3-13[a]

Reg 38-2-

5.4.a

[DOV] Description of Violation:

Company failed to properly maintain the approved drainage system in temporary sediment ditch # 8 . In which they had removed cells and Outlet 008 without proper drainage control below. The Sediment Ditch # 8 has not been completed or certified.

[REM] Remedial Measures:

Company must complete and certify Sediment Ditch # 8.

MUST BE CORRECTED BY DATE 06/11/2021 08:00☒ NOV Issued☐ CO Modified to NOV☒ Resulted In Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Certified 5/24/2021 13:00:00CERTIFIED MAIL NUMBER 7020 0090 0001 7595 1417ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

05/24/2021

[WV DEP Rep/Date]

Contact Stephen C Cole at (304) 574-4485 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

Cole, Stephen C

From: Cole, Stephen C
Sent: Monday, May 24, 2021 11:51 AM
To: Cole, Stephen C
Subject: PR nov 20-21



5 300219

Steve

NOV 21

5-21-21

Cole, Stephen C

From: Cole, Stephen C
Sent: Monday, May 24, 2021 11:50 AM
To: Cole, Stephen C
Subject: PR nov 20-21



5-300 219

nov 21

5-21-21



5-300219

NOV 21

5-21-21



Steve

5-300219

NOV 21

5-21-21



5 300219

NOV 21 -

5-21-21

MR-16

West Virginia Department Of Environmental Protection

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ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	05/21/2021	11:10	6 (rev 4/20)		0400	21	06/11/2021	17:00

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☒ Extended to 07/11/2021 at 08:00 ☐ NOV modified to CO # ☐ CO modified to NOV #

Action taken to abate:

Extended NOV 21. Company must work on the violation.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Mail 6/14/2021 10:00:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date _____

Names of individuals at informal Conference:

Results: CO was:	<input type="checkbox"/> Upheld	<input type="checkbox"/> Modified	<input type="checkbox"/> Terminated	<input type="checkbox"/> Withdrawn
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Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-6 (rev 4/20)
ERISWest Virginia Department of Environmental Protection
MR-6 MINE INSPECTION REPORT

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PERMIT NUMBER	INSPECTION				MINE STATUS	PHOTOS	BLASTING	
	DATE	TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S300219	06/16/2021	10:30	RI	P	AM	Yes	Yes	Yes

PERMITTEE NAME		SOUTH FORK COAL COMPANY, LLC				MSHA #		46-09448	
OPERATOR NAME						MR-19 DATE			
NPDES #	WV1030027	NPDES EXPR DATE	11/18/2024		PERMIT EXPR DATE	11/13/2024			
PERMIT ACRES	374.82	TOTAL DISTBD	0.00	RECLMD	0.00	ANCIL- LARY	5	UNRECLMD	0
DATES: PH I		PH II		LAST AUG SEED		MR-8			
LAST INSP DATE	06/11/2021	TYPE	P	BOND INC	4	INC BONDED ACRES	374.82	CUR IBR#	0
CUR REV#		2							
EXPR DATES: INACT		EMER RESP PLAN		INS		07/01/2021		BLAST AD	04/10/2022
TIME USED (HRS)=> PERMIT REVIEW		1.00		INSPECT	2.00	TRAVEL	0.00	REPORT	1.00

INSPECTION COMMENTS

Issued FTACO 26, FTACO 27, and FTACO 28. In pit cert must be submitted for the pit above Outlet # 001 and above 007. Above Outlet 001, the shot rock material place against the pit against the wall for an underdrain must be certified.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....	Full Compliance		3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Hand 6/16/2021 12:30:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

MR-16

West Virginia Department Of Environmental Protection

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ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	05/21/2021	11:10	6 (rev 4/20)		0400	21	06/16/2021	12:15

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted
☐ Extended to _____ at _____ ☒ NOV modified to CO # 26 ☐ CO modified to NOV # _____

Action taken to abate:

No work has been done to terminate NOV 21. The company has removed the equipment off permit that was working in that sediment ditch. Water is pooling up on the bench above Temporary Sediment Ditch 8.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Hand 6/16/2021 13:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

Stephen C Cole
[WV DEP Representative]6/16/21
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-15A

West Virginia Department Of Environmental Protection

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ERIS

MR-15A CESSATION ORDER

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	05/21/2021	11:10	6 (rev 4/20)		0400	06/16/2021	12:26	26	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME _____

MSHA ID# 46-09448

NPDES # _____

OWNER/CONTROLLER _____

If different from above

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-17[a]

Reg 38-2-
14.5.a

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NF

The permittee or operator has failed to abate the violation included in Notice of Violation # 21 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:

No work has been done to terminate NOV 21. The company has removed the equipment off permit that was working in that sediment ditch. Water is pooling up on the bench above Temporary Sediment Ditch 8.

[REM] Remedial Measures:

ALL COAL PRODUCTION MUST STOP IMMEDIATELY in Drainage Area 8. Company must complete Permanent Sediment Ditch 8 or repair Temporary Sediment Ditch 8. Submit the Certification of the Sediment Ditch after the completion or reconstruction has been completed. An WV DEP I & E Inspector or Supervisor must sign off on certification.

MUST BE CORRECTED BY DATE: 07/16/2021 12:26☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Hand 6/16/2021 12:30:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

06/16/2021

[WV DEP Rep/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____

DATE: _____

Contact Stephen C Cole at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.

MR-16

West Virginia Department Of Environmental Protection

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ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	05/21/2021	11:10	6 (rev 4/20)		0400	26	06/17/2021	12:20

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☐ Extended to _____ at _____ ☐ NOV modified to CO # _____ ☐ CO modified to NOV # _____

Action taken to abate:

Terminated FTACO 26.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Hand 6/17/2021 15:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

[Signature]
[WV DEP Representative]6/17/21
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-15

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	05/21/2021	11:10	6 (rev 4/20)		2200	05/21/2021	11:30	22	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME _____

MSHA ID# 46-09448

NPDES # _____

OWNER/CONTROLLER _____

If different from above

CONTRACT BLASTING FIRM _____

BLASTER NAME
(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-13[a]

Reg 38-2-
3.33

[DOV] Description of Violation:

Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Sections of downed timber and brush has been buried. Large and small piles are located sporadically throughout drainage areas 7 and 8.

[REM] Remedial Measures:

All timber and brush that has been buried must be uncovered. With that woody debris, other timber and other brush must be disposed according to the approved permit. In drainage areas 7 and 8. If a Fire Permit is obtained. Submit a copy of it to the inspector.

MUST BE CORRECTED BY DATE 06/11/2021 08:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted In Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Certified 5/21/2021 13:00:00CERTIFIED MAIL NUMBER 7020 0090 0001 7595 1417ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

05/24/2021

[WV DEP Rep/Date]

Contact Stephen C Cole at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	05/21/2021	11:10	6 (rev 4/20)		2200	22	06/16/2021	12:10

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted
☐ Extended to _____ at _____ ☒ NOV modified to CO # 27 ☐ CO modified to NOV # _____

Action taken to abate:

After NOV 22 has been issued. Company is continuing to cover timber and woody debris in Drainage Areas 7. Without any grubbing, burning or making any attempt in disposing of it correctly according to the approved permit.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob Hypes DELIVERY METHOD / DATE TIME Hand 6/16/2021 13:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward 

[Secretary, Department of Environmental Protection]

 [WV DEP Representative]6/16/21
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-15A

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-15A CESSATION ORDER

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	05/21/2021	11:10	6 (rev 4/20)		2200	06/16/2021	12:20	27	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME

MSHA ID# 46-09448

NPDES #

OWNER/CONTROLLER

If different from above

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

22-3-17[a]

14.5.a

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NE

The permittee or operator has failed to abate the violation included in Notice of Violation # 22 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:

After NOV 22 has been issued. Company is continuing to cover timber and woody debris in Drainage Areas 7. Without any grubbing, burning or making any attempt in disposing of it correctly according to the approved permit.

[REM] Remedial Measures:

All timber and brush that has been buried in drainage areas 7 and 8 must be uncovered and disposed of according to the approved permit.

MUST BE CORRECTED BY DATE: 07/16/2021 12:20

☐ Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Hand 6/16/2021 13:00:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

06/16/2021

[WV DEP Rep/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE:

DATE:

Contact Stephen C Cole at (304) 574-4485 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	05/21/2021	11:10	6 (rev 4/20)		2200	27	06/17/2021	12:10

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☐ Extended to _____ at _____ ☐ NOV modified to CO # _____ ☐ CO modified to NOV # _____

Action taken to abate:

Terminated FTACO 27.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Hand 6/17/2021 15:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

[Signature]
[WV DEP Representative]6/17/21
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

Cole, Stephen C

From: Cole, Stephen C
Sent: Monday, May 24, 2021 11:47 AM
To: Cole, Stephen C
Subject: PR nov 22



5300219

NOV 22

5-21-21



5300219

NOV 22

5-21-21



5 300219

NOV 22

5-21 21



Steve

5-300219

Nov 22

5-21-21

MR-6 (rev 4/20)
ERISWest Virginia Department of Environmental Protection
MR-6 MINE INSPECTION REPORT

Page 1 of 1

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S300219	06/08/2021	10:30	RI	P	AM	Yes	Yes	Yes

PERMITTEE NAME		SOUTH FORK COAL COMPANY, LLC		MSHA #		46-09448	
OPERATOR NAME				MR-19 DATE			
NPDES #	WV1030027	NPDES EXPR DATE	11/18/2024	PERMIT EXPR DATE	11/13/2024		
PERMIT ACRES	374.82	TOTAL DISTBD	0.00	RECLMD	0.00	ANCIL- LARY	5
UNRECLMD		0					
DATES: PH I		PH II		LAST AUG SEED		MR-8	
LAST INSP DATE	05/21/2021	TYPE	P	BOND INC	4	INC BONDED ACRES	374.82
CUR IBR#	0	CUR REV#	2				
EXPR DATES: INACT		EMER RESP PLAN		INS	07/01/2021	BLAST AD	04/10/2022
TIME USED (HRS)=> PERMIT REVIEW		0.50	INSPECT	2.00	TRAVEL	0.00	REPORT
							0.75

INSPECTION COMMENTS

Issued NOV 23. NOV 22 must be worked on to ensure that the woody debris is being disposed of according to the permit.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....	Full Compliance		0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....	NOV Issued	23
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....	Full Compliance	
2900 Bonding Current.....			3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Certified 6/9/2021 10:00:00

CERTIFIED MAIL NUMBER 7020 0090 0001 7595 1424

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	06/08/2021	10:30	6 (rev 4/20)		2200	23	06/16/2021	12:45

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☐ Extended to _____ at _____ ☐ NOV modified to CO # _____ ☐ CO modified to NOV # _____

Action taken to abate:

Company has made no attempt to terminate NOV 23 that is in Drainage Areas 4 and 5. Timber Root Walls, smaller trees and brush that had been placed and buried into the back stacks are still there.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☒

Good Faith: 0 ☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Hand 6/16/2021 13:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

[Signature]
[WV DEP Representative]6/16/21
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-16

West Virginia Department Of Environmental Protection

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ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	06/08/2021	10:30	6 (rev 4/20)		2200	23	06/16/2021	12:45

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☐ Extended to _____ at _____ ☒ NOV modified to CO # 28 ☐ CO modified to NOV # _____

Action taken to abate:

Company has made no attend to terminate NOV 23 that is in Drainage Areas 4 and 5. Timber Root Walls, smaller trees and brush that had been placed and buried into the back stacks are still there.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☒

Good Faith: 0 ☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Hand 6/16/2021 13:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

[Signature]
[WV DEP Representative]

6/17/21
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-15A

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-15A CESSATION ORDER

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	06/08/2021	10:30	6 (rev 4/20)		2200	06/16/2021	12:50	28	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME _____

MSHA ID# 46-09448

NPDES # _____

OWNER/CONTROLLER _____

If different from above

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 08th day of June, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

22-3-17[a]

14.5.a

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NF

The permittee or operator has failed to abate the violation included in Notice of Violation # 23 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:

Company has made no attempt to terminate NOV 23 that is in Drainage Areas 4 and 5. Timber Root Walls, smaller trees and brush that had been placed and buried into the back stacks are still there.

[REM] Remedial Measures:

In drainage areas 4 and 5. All Timber Root Walls, smaller trees and brush that has been placed into the back fill must be removed. Then it must be disposed according to the approved permit.

MUST BE CORRECTED BY DATE: 07/16/2021 12:50☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Hand 6/16/2021 13:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

06/16/2021

[WV DEP Rep/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____

DATE: _____

Contact Stephen C Cole at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.

MR-16

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	06/08/2021	10:30	6 (rev 4/20)		2200	28	06/17/2021	12:40

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☐ Extended to _____ at _____ ☐ NOV modified to CO # _____ ☐ CO modified to NOV # _____

Action taken to abate:

Terminated FTACO 28.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Hand 6/17/2021 15:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

[Signature]
[WV DEP Representative]6/17/21
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-15

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	06/08/2021	10:30	6 (rev 4/20)		2200	06/08/2021	11:30	23	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME _____

MSHA ID# 46-09448

NPDES # _____

OWNER/CONTROLLER _____

If different from above

CONTRACT BLASTING FIRM _____

BLASTER NAME
(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 08th day of June, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

22-3-13[a]

3.33

[DOV] Description of Violation:

Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Timber Root Walls, smaller trees and brush have been placed and buried into the back stacks. Located in drainage areas 4 and 5 of the permit.

[REM] Remedial Measures:

In drainage areas 4 and 5. All Timber Root Walls, smaller trees and brush that has been placed into the back fill must be removed. Then it must be disposed according to the approved permit.

MUST BE CORRECTED BY DATE 06/15/2021 12:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Certified 6/9/2021 10:00:00CERTIFIED MAIL NUMBER 7020 0090 0001 7595 1424ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

06/09/2021

[WV DEP Rep/Date]

Contact Stephen C Cole at (304) 574-4485 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

Cole, Stephen C

From: Cole, Stephen C
Sent: Tuesday, June 8, 2021 8:38 PM
To: Cole, Stephen C
Subject: Pretty Ridge nov 23



5-300219

NOV 23

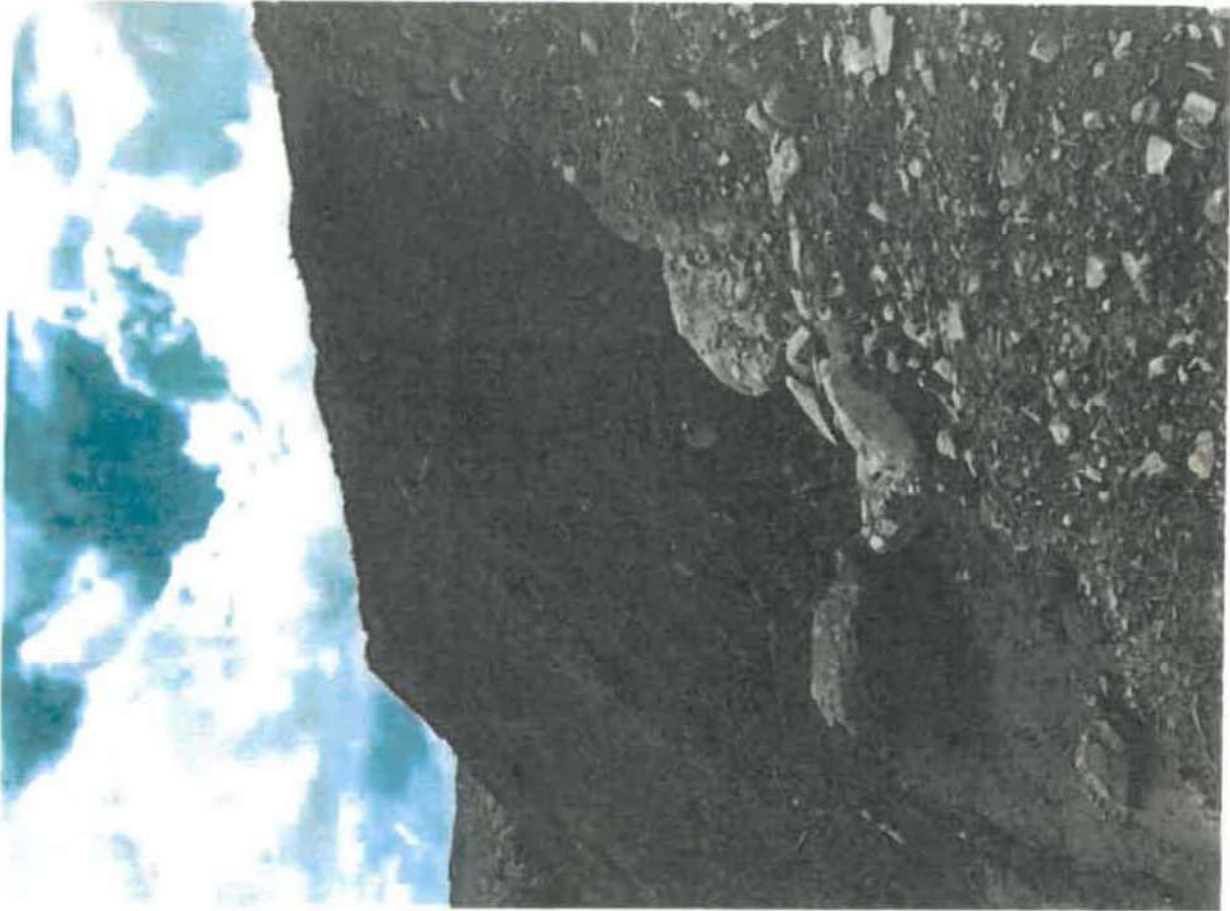
4/8/21



5-300219

NOV 23

6/8/21



5-300219

NOV 23

6/8/21



5-300219

NOV 23

6/8/21



Steve

5-300219

NOV 23

6/8/21

MR-6 (rev 4/20)
ERISWest Virginia Department of Environmental Protection
MR-6 MINE INSPECTION REPORT

Page 1 of 2

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S300219	05/04/2021	07:30	RI	P	AM	Yes	Yes	Yes

PERMITTEE NAME		SOUTH FORK COAL COMPANY, LLC		MSHA #		46-09448	
OPERATOR NAME				MR-19 DATE			
NPDES #	WV1030027	NPDES EXPR DATE	11/18/2024	PERMIT EXPR DATE	11/13/2024		
PERMIT ACRES	374.82	TOTAL DISTBD	0.00	RECLMD	0.00	ANCIL- LARY	5
				UNRECLMD	0		
DATES: PH I		PH II		LAST AUG SEED		MR-8	
LAST INSP DATE	04/27/2021	TYPE	P	BOND INC	4	INC BONDED ACRES	374.82
				CUR IBR#	0	CUR REV#	2
EXPR DATES: INACT		EMER RESP PLAN		INS	07/01/2021	BLAST AD	04/10/2022
TIME USED (HRS) ==> PERMIT REVIEW		1.50	INSPECT	2.00	TRAVEL	0.00	REPORT
							1.50



INSPECTION COMMENTS

Issued NOV 15 and 16. Approximately 3 acres has been dressed up. No equipment is working on grading of the backfill on the permit. No seeding has been done on graded areas. Cell 4 spillway on sediment ditch 2 maintenance is needed. Company submitted an emailed according to the Consent Order that: they are not removing coal from 5/3/2021 to 5/5/2021. They are running the High Wall Miner and

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....	NOV Issued	
2300 Change of Operator.....			2400 Permit Conditions.....	NOV Issued	
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....	Full Compliance	
2900 Bonding Current.....	Full Compliance		3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE	Bob Hypes	
DELIVERY METHOD / DATE TIME	Hand 5/6/2021 08:00:00	
CERTIFIED MAIL NUMBER		
ADDRESS	1295 ASHFORD HILL RD, ASHFORD, WV 25009	
WV DEP REP.	Stephen C Cole	

MR-6 (rev 4/20)
ERISWest Virginia Department of Environmental Protection
MR-6 MINE INSPECTION REPORT

Page 2 of 2

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S300219	05/04/2021	07:30	RI	P	AM	Yes	Yes	Yes

COMMENT (cont.)

uncovering the top seam of coal next to the power bin. Also, they are chopping and stock piling coal there. No trucks were hauling. Informed the company that, all they can do for the three days were: Reclaiming and Maintenance. No Coal Removal can be done according to the terms of the Signed Consent Order.

MR-15

West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	05/04/2021	07:30	6 (rev 4/20)		2200	05/04/2021	08:10	16	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME _____

MSHA ID# 46-09448

NPDES # _____

OWNER/CONTROLLER _____

If different from above

CONTRACT BLASTING FIRM _____

BLASTER NAME _____

(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 04th day of May, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

22-3-13[b][9]

14.9.c.1

[DOV] Description of Violation:

Company failed to properly seal all auger holes with an impervious and non-combustible material in order to prevent drainage into and out of the auger holes above Sediment Ditch # 8. There are 25 to 30 High Wall Miner Auger Holes that are opened. The Pit drainage is flowing into several of them.

[REM] Remedial Measures:

Complete seal the auger holes with an impervious and non-combustible material above Sediment Ditch # 8. To prevent water flowing in and out of the auger holes.

MUST BE CORRECTED BY DATE 05/14/2021 08:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted In Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Hand 5/6/2021 08:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

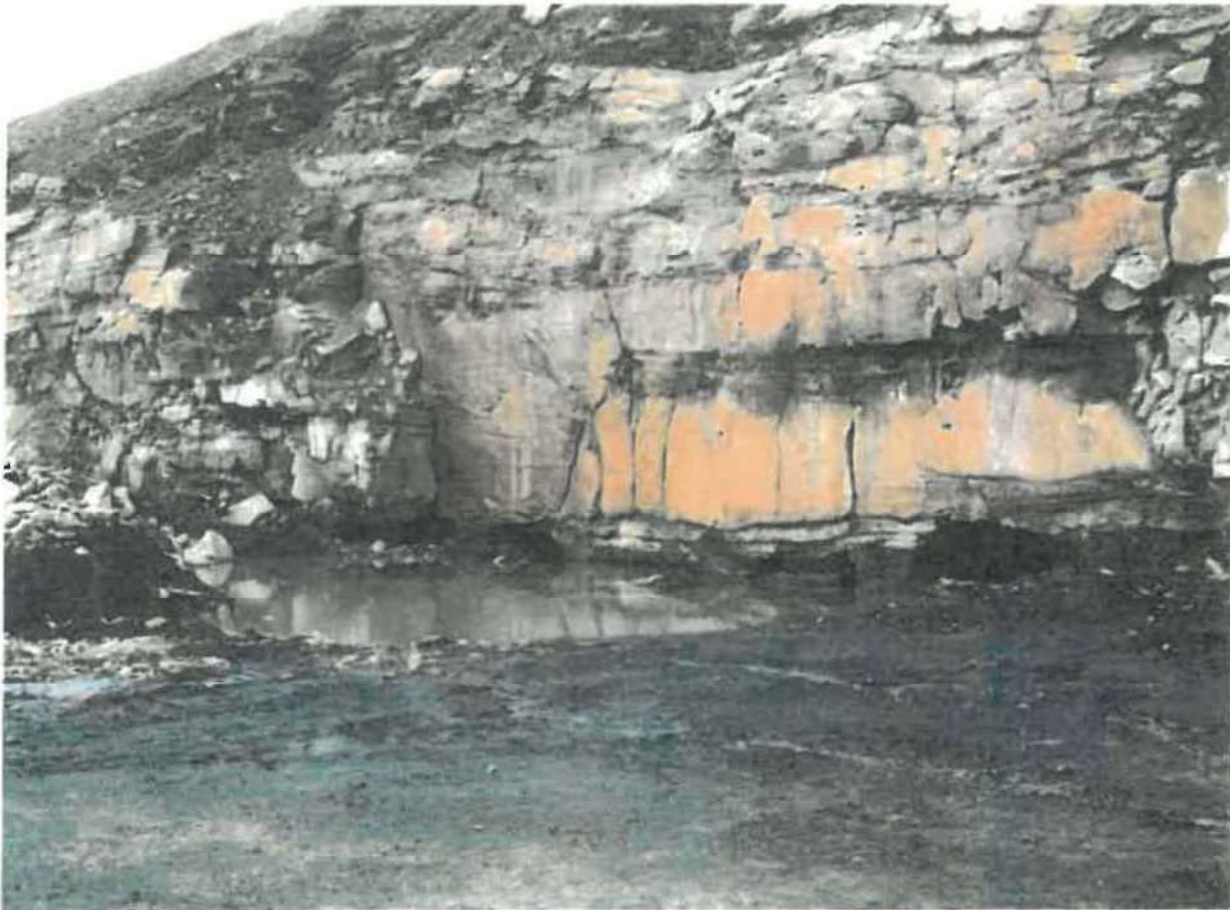
05/05/2021

[WV DEP Rep/Date]

Contact Stephen C Cole at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

Cole, Stephen C

From: Cole, Stephen C
Sent: Tuesday, May 4, 2021 7:46 PM
To: Cole, Stephen C
Subject: Pr nov 16



5-300219

5/4/2021

NOV # 16



5-300219

5/4/2021

Nov #16



5300219

5/4/2021

nov #16



Steve

5300219

Nov # 16

5/4/2021

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West Virginia Department Of Environmental Protection

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ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	05/04/2021	07:30	6 (rev 4/20)		2200	16	05/13/2021	11:00

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted
☐ Extended to _____ at _____ ☐ NOV modified to CO # _____ ☐ CO modified to NOV # _____

Action taken to abate:

Terminated NOV 16.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Mail 5/17/2021 08:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

[Signature]
[WV DEP Representative]5/17/21
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-6 (rev 4/20)

West Virginia Department of Environmental Protection

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ERIS

MR-6 MINE INSPECTION REPORT

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S300219	05/04/2021	10:10	RI	P	AM	Yes	Yes	Yes

PERMITTEE NAME		SOUTH FORK COAL COMPANY, LLC		MSHA #		46-09448	
OPERATOR NAME				MR-19 DATE			
NPDES #	WV1030027	NPDES EXPR DATE	11/18/2024	PERMIT EXPR DATE	11/13/2024		
PERMIT ACRES	374.82	TOTAL DISTBD	0.00	RECLMD	0.00	ANCIL- LARY	5
				UNRECLMD	0		
DATES: PH I		PH II		LAST AUG SEED		MR-8	
LAST INSP DATE	05/04/2021	TYPE	P	BOND INC	4	INC BONDED ACRES	374.82
				CUR IBR#	0	CUR REV#	2
EXPR DATES: INACT		EMER RESP PLAN		INS	07/01/2021	BLAST AD	04/10/2022
TIME USED (HRS)⇒ PERMIT REVIEW		1.50	INSPECT	2.00	TRAVEL	0.00	REPORT
							1.50

INSPECTION COMMENTS

Issued NOV 17 and 18.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....	NOV Issued	17	1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....	NOV Issued	
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....	Full Compliance	
2900 Bonding Current.....	Full Compliance		3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Hand 5/8/2021 08:00:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

MR-15

West Virginia Department Of Environmental Protection

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ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S300219	05/04/2021	10:10	6 (rev 4/20)		2200	05/04/2021	11:10	18	1090

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME

MSHA ID# 46-09448

NPDES #

OWNER/CONTROLLER

If different from above

CONTRACT BLASTING FIRM

BLASTER NAME

(CERT #)

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 04th day of May, 2021. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

22-3-13[a]

3.33

[DOV] Description of Violation:

Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Sections of downed timber and brush has been buried. Large and small piles are located sporadically throughout drainage areas 1, 2, 3, 4 and 5.

[REM] Remedial Measures:

All timber and brush that has been buried must be uncovered. With that woody debris, other timber and other brush must be disposed according to the approved permit. In drainage areas 1, 2, 3, 4 and 5. If a Fire Permit is obtained. Submit a copy of it to the inspector.

MUST BE CORRECTED BY DATE 06/03/2021 08:00

☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Bob Hypes

DELIVERY METHOD / DATE TIME Hand 5/6/2021 08:00:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Stephen C Cole

Harold D. Ward

[Secretary, Department of Environmental Protection]

05/05/2021

[WV DEP Rep/Date]

Contact Stephen C Cole at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

Cole, Stephen C

From: Cole, Stephen C
Sent: Tuesday, May 4, 2021 7:55 PM
To: Cole, Stephen C
Subject: PR nov 18 a



5-300219

5/4/2021

nov # 18



5-300219

5/4/21

nov # 18

Cole, Stephen C

From: Cole, Stephen C
Sent: Tuesday, May 4, 2021 7:51 PM
To: Cole, Stephen C
Subject: PR nov 18



5-300219

5/4/21

nov #18



5-300219

5/4/21

NOV# 18



5-300219

5/4/21

NOV # 18



Steve

5-300219

5/4/21

NOV#18

Cole, Stephen C

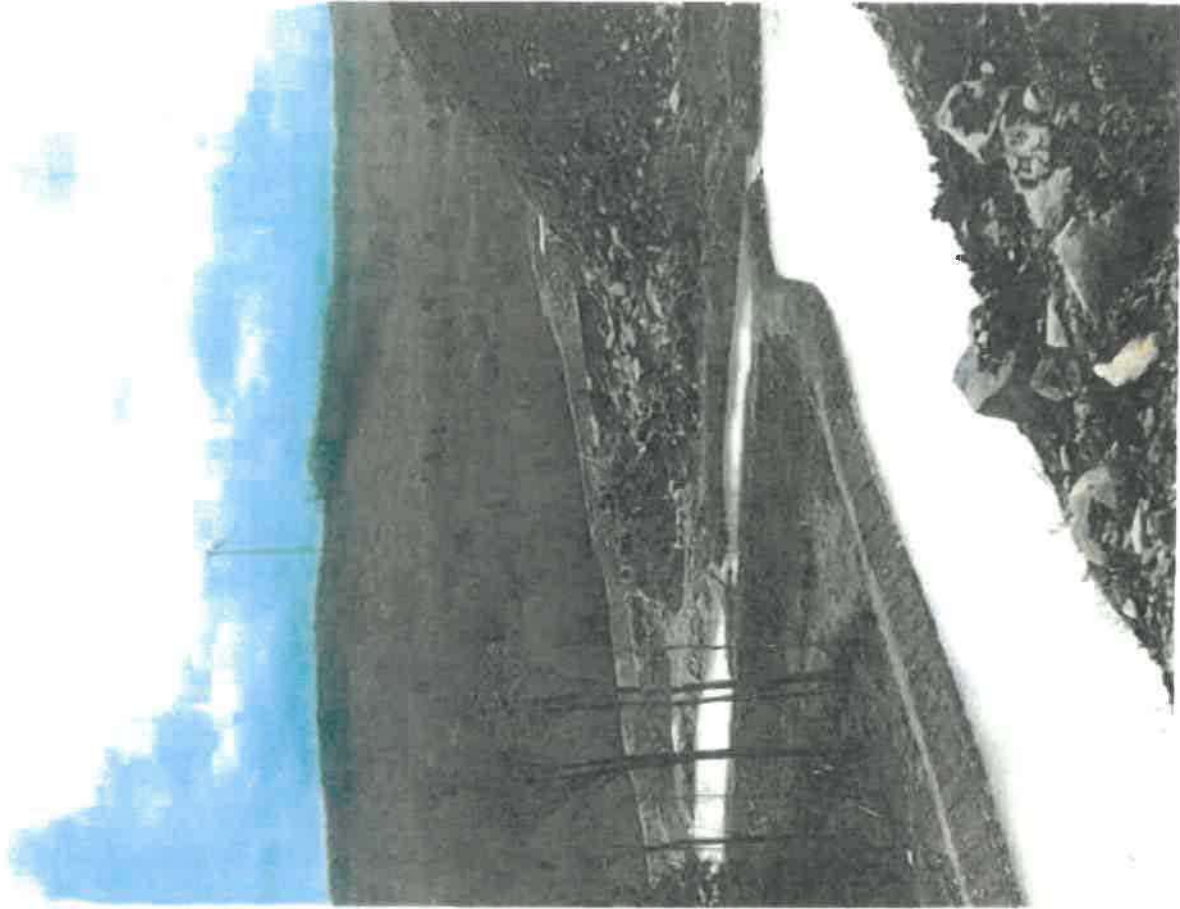
From: Cole, Stephen C
Sent: Tuesday, May 4, 2021 7:49 PM
To: Cole, Stephen C
Subject: PR nov 18



5-300219

5/4/21

nov 18



5-300219

5/4/21

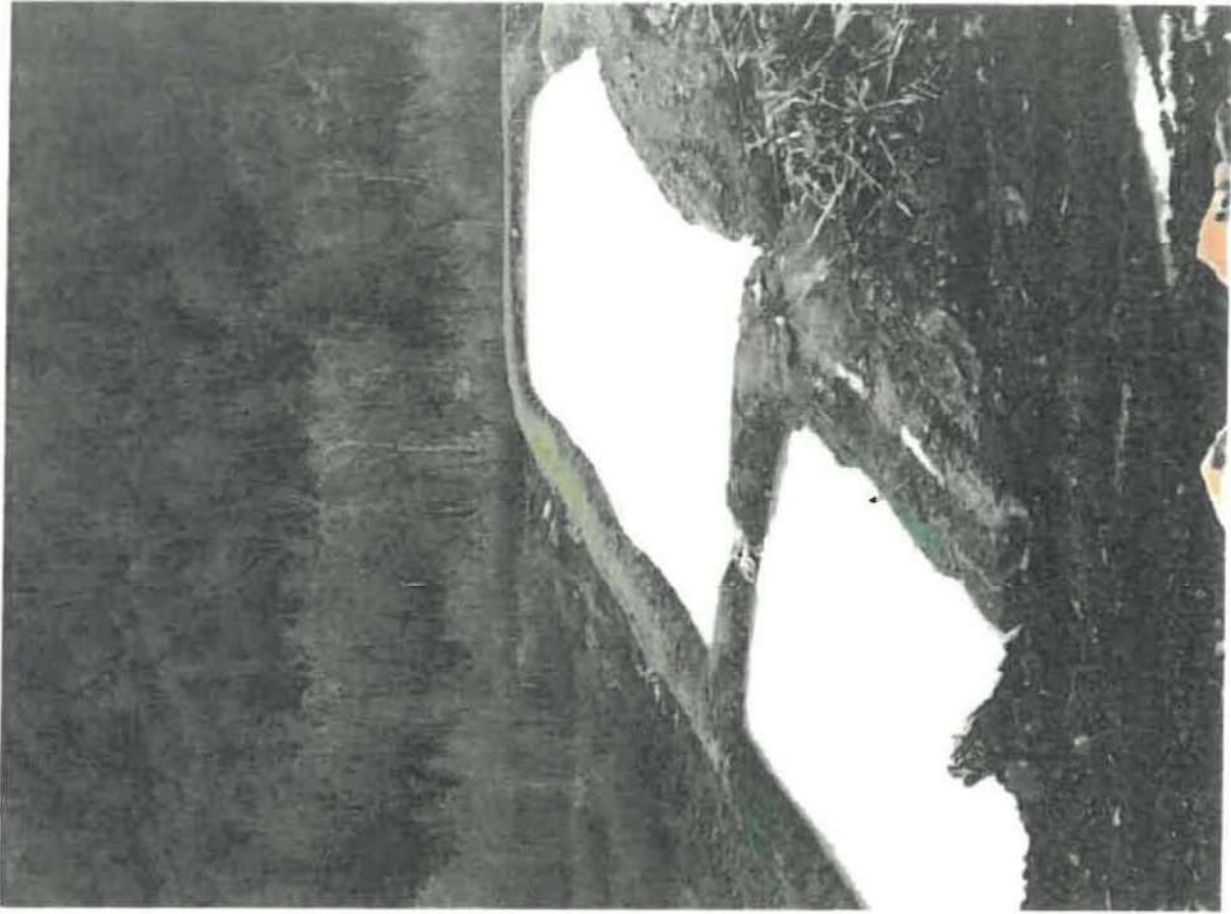
nov # 18



J-300219

5/4/21

Nov #18



Steve

5-300219

5/4/21

root# 18

MR-16

West Virginia Department Of Environmental Protection

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ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S300219	05/04/2021	10:10	6 (rev 4/20)		2200	18	06/03/2021	11:30

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☐ Extended to _____ at _____ ☐ NOV modified to CO # _____ ☐ CO modified to NOV # _____

Action taken to abate:

Terminated NOV 18.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ 7 ☐ 8 ☐ Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Bob HypesDELIVERY METHOD / DATE TIME Mail 6/9/2021 10:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Stephen C ColeHarold D. Ward

[Secretary, Department of Environmental Protection]

Stephen C Cole
[WV DEP Representative]6/3/21
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

Exhibit 26
to Standing Declaration of Andrew W. Young

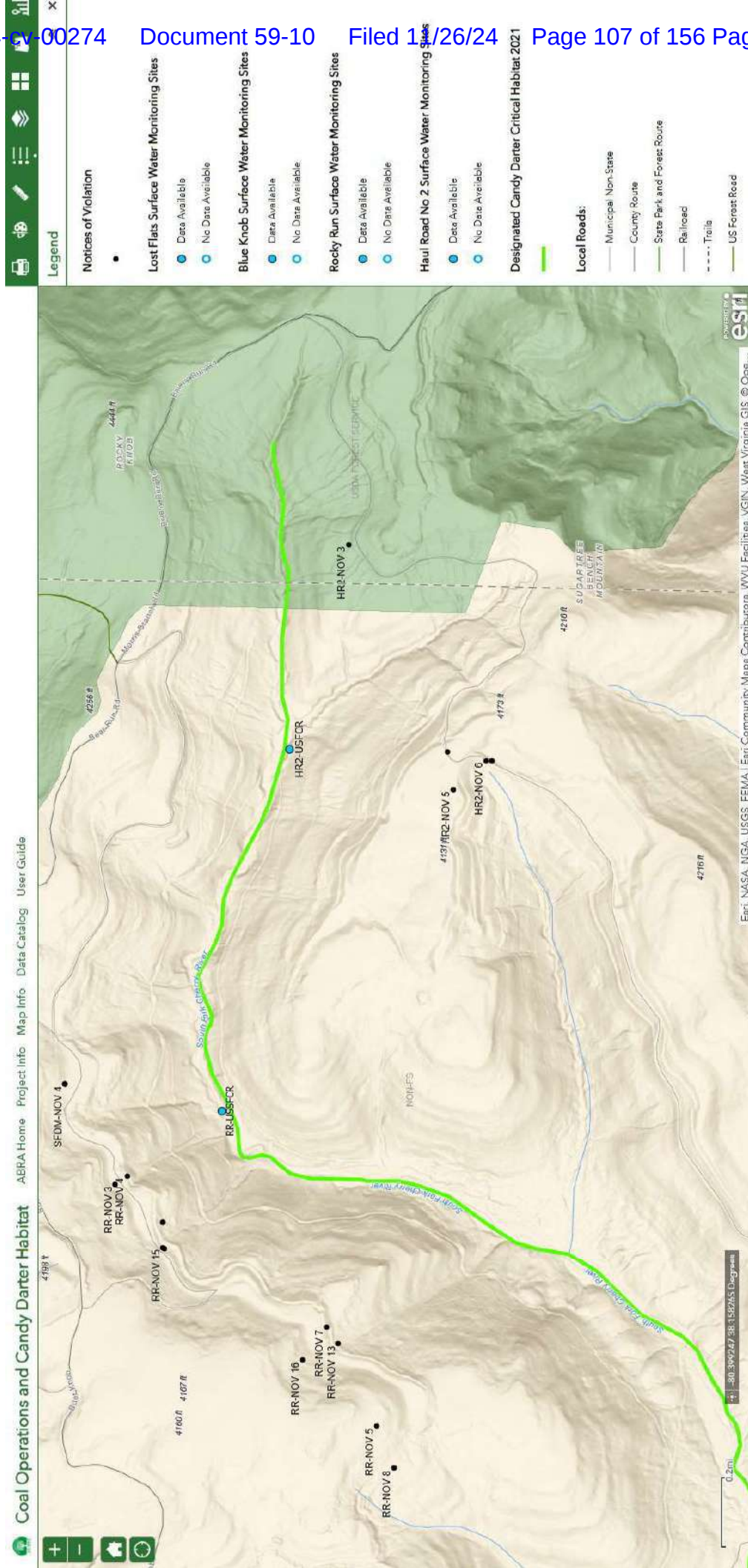


Exhibit 27
to Standing Declaration of Andrew W. Young

Stevens, Karen -FS

From: Arbogast, Chad -FS
Sent: Thursday, March 17, 2022 10:14 AM
To: Messerschmidt, Kody -FS; Phillips, Robert - FS; Shaffer, Benjamin - FS, ELKINS, WV
Cc: Taddie, Andrew - FS, ELKINS, WV; Wright, Darrell - FS; Wood, Jeffrey -FS, Elkins, WV
Subject: RE: road use permits FR249 and FR223

I performed an on-site review of FR 223 and FR 249 yesterday 3/16/22. After driving through the area and speaking with several of South Fork Coal's personnel I have the following to report.

FR 249 (CLOSED TO PUBLIC TRAVEL – MAIN COAL HAUL ROUTE – ALL MAINTENANCE RESPONSIBILITY OF THE RUP HOLDER)

As per the RUP as to FR 249, the permittee is to maintain positive drainage by cleaning, installing and replacing culverts as needed, maintain proper shape to roadway, and clean/maintain all ditches, remove ruts and irregularities in the surface as needed, and provide a stable travel way without damaging the road base by placing crushed aggregate or other durable surface as needed.

The contractor is currently out of compliance on FR 249 but coal hauling operations have been suspended until such time as road repairs are complete. The area has received substantial rainfall over the past two weeks. The rainfall coupled with typical "thaw" conditions has caused FR 249 to become muddy on the surface, show signs of heavy rutting in localized areas, and has led to sedimentation filling cleanout areas at the ends of culverts. The WVDEP has shut down all coal hauling operations until such time as the road has been repaired and sediment traps have been cleaned out. Yesterday there were 2 crews working on the roadway, utilizing excavators and off road trucks to dig out and removed compromised sections of the roadway. A third crew was working to provide aggregate, from the mining operation area, to replace removed material. Removed material was being replaced, with shot rock from the mining operation, to stabilize the areas and promote proper drainage. Once road base is repaired and traps are cleaned, the operator intends to supply crushed aggregate to surface the worst areas of the roadway and prevent further sedimentation. Intentions are to bring a rock crusher to the site so that surface aggregates can be generated at the mine site in the future. This will help prevent any reoccurrence of the current condition and will bring the permittee back into compliance with the requirements of the RUP as it pertains to FR 249.

FR 223 (OPEN TO GENERAL PUBLIC – MAIN ACCESS ROUTE TO MINE FOR SUPPLIES AND PERSONNEL – DEPOSIT MADE FOR MAINTENANCE TO BE PERFORMED BY U.S.F.S.) – NOTE THAT THIS AREA IS ALSO UNDER RUP FOR WEYERHAUSER

As per the RUP as it relates to FR 223, the permittee is to perform maintenance which would not be necessary if the holder's use did not occur. The permittee is proportionately responsible with other users of the roads authorized by the permit for maintenance that is due to natural causes such as rain and brush growth. The initial calculation for the cost of "normal maintenance" work was \$4,539.08 for the year. Additionally, the contractor must restore any damage resulting from snow removal (including replacement of lost stone) in a timely manner.

The contractor is currently in compliance with the RUP requirements for FR 223. However, RUP required maintenance of the roadway is needed.

FR 223 has several soft areas with minor rutting. Area has recently received some stone in what would have been the worst (muddiest) areas. Removal of snow on FR 223 for winter hauling activities (for both permittees) has cause a loss of surface aggregate. Heavy hauling during the winter and recent thaw has caused some rutting which is resulting in poor drainage in some areas, causing soft spots and some minor surface erosion. Also, the outlet end of a culvert at the intersection of FR 223 and US 39 has been crushed by heavy traffic failing to make the turn onto FR 223 properly.

It is my position that the damage listed above is a direct result of the permittees use during the winter and early spring seasons. As such I recommend that the permittees (proportionately to all permittees) be required to pull ditches, clean

culvert heads, and grade the entire road surface to reestablish proper road template and positive drainage. Emphasis should be placed on trying to recapture stone that was lost during snow removal activities (this work could be counted toward commensurate share cost of (\$4,539.08) required by the permit). Additionally The permittees will also need to repair the damaged culvert at the intersection of FR 223 and U.S. 39 by opening the crushed end or replacing the culvert (as needed). Finally, the permittees (authorized to perform snow removal) should be required to provide 1 ½" crusher run aggregate, in the amount of a minimum of 750 tons (amount is approximately equal to 1" of aggregate over ½ the length of the roadway) to replace aggregate lost during snow removal activities. This aggregate should be placed once grading activities are complete.

WORK REQUIRED ON FR 223 NOT COVERED UNDER EXISTING RUPs.

Additional concerns not covered under the RUP were also discovered. There is a series of culverts which are dilapidated, undersized, plugged and/or damaged. These culverts have failed to function properly and have overflowed during the recent heavy rain activity causing road surface washing and soil failures of the fill slope. I believe the existing culverts will need replaced, shot rock will need to be placed along the fill slope to stabilize the soils, and the surface of the road will need to be treated with aggregate to help rebuild the template of the road in the area. (Materials – 35-40 ft of 30" culvert, 35-40 ft of 24" culvert (relocate culverts from their current position and add skew), 20 tons 12"-24" riprap, 100 tons of 1 ½" crusher run aggregate). There is an additional culvert above the failing area which will need reviewed for size and condition, and may also need replaced. Additional road surfacing may need additional aggregate one permittee has completed work listed above. **This work should be completed by the U.S.F.S. as part of maintenance not covered under the existing RUPs.**

I will work with Jeff to see if the C&M crew can perform the pipe and slope repairs. I will contact Jason Miller, Environmental specialist - Southfork Coal company, to express need for grading and stone placement. If Jason isn't in direct contact with Weyerhaeuser, to coordinate this maintenance, I will work with Darrel to get contact information and work out the shared responsibility of the maintenance on FR223. It was my original understanding that Southfork Coal will be doing all maintenance on 223 as per an agreement they made with Weyerhaeuser, but I will confirm.

Chad H. Arbogast

From: Messerschmidt, Kody -FS <kody.messerschmidt@usda.gov>

Sent: Tuesday, March 15, 2022 10:17 AM

To: Arbogast, Chad -FS <chad.h.arbogast@usda.gov>; Phillips, Robert - FS <robert.phillips1@usda.gov>; Shaffer, Benjamin - FS, ELKINS, WV <Benjamin.Shaffer@usda.gov>

Cc: Taddie, Andrew - FS, ELKINS, WV <Andrew.Taddie@usda.gov>

Subject: RE: road use permits FR249 and FR223

Thanks everyone. I am not worried about the mining haul or any haul that isn't on our roads. I just want to make sure that our forest road with Weyerhaeuser is being properly maintained and that we have a fairly current documentation of this. So thanks for the site visit and write up when you get back.



**Kody D. Messerschmidt, Forester
Acting District Ranger**

P: 304-846-2695

C: 540-315-6672

kody.messerschmidt@usda.gov

Forest Service

**Monongahela National Forest,
Gauley, Marlinton-White Sulphur
Ranger Districts**

932 North Fork Cherry Rd.
Richwood WV 26261

www.fs.fed.us



Caring for the land and serving
people

From: Arbogast, Chad -FS <chad.h.arbogast@usda.gov>
Sent: Tuesday, March 15, 2022 9:50 AM
To: Phillips, Robert - FS <robert.phillips1@usda.gov>; Shaffer, Benjamin - FS, ELKINS, WV <Benjamin.Shaffer@usda.gov>
Cc: Taddie, Andrew - FS, ELKINS, WV <Andrew.Taddie@usda.gov>; Messerschmidt, Kody -FS <kody.messerschmidt@usda.gov>
Subject: RE: road use permits FR249 and FR223

Bob,

Couple of things. First, the mining activities and associated hauling are regulated by the WVDEP Division of Mining and Reclamation. If issues are occurring on state/county routes and associated private lands, that should fall under their purview.

Additionally, some damage from hauling, that would be hard for normal traffic to negotiate, is anticipated on both CR **29/4 and FR 249** during hauling activities. That is why those roads were **closed to the public for the duration of hauling** and mining activities. Which begs the question, "why was a member of the public driving on the closed sections of roads, associated with the hauling activities, in the first place?"

All that aside, I will make a trip down on Wednesday or Thursday to take a look. I will send a follow up email to you and Kody with my observations and recommendations.

Chad H. Arbogast

From: Phillips, Robert - FS <robert.phillips1@usda.gov>
Sent: Tuesday, March 15, 2022 9:10 AM
To: Shaffer, Benjamin - FS, ELKINS, WV <Benjamin.Shaffer@usda.gov>
Cc: Arbogast, Chad -FS <chad.h.arbogast@usda.gov>; Taddie, Andrew - FS, ELKINS, WV <Andrew.Taddie@usda.gov>
Subject: RE: road use permits FR249 and FR223

Adding Andrew on this so I don't have to give the elevator speech over again.

This is associated with a Road Use Permit (RUP). Essentially RUP's are given to entities for road usage on FS roads with a commercial purpose (i.e. hauling coal, timber, Oil/Gas/Coal Operations, etc.).

Currently, Chad is the RUP administrator for the Forest, essentially creating the permits and tracking them (correct me where I'm mistaken, Chad).

Chad also has some more specific insight into this RUP- feel free to coordinate with Ben on it as necessary. I understand Darrel Wright is involved as well.

Bob

From: Messerschmidt, Kody -FS <kody.messerschmidt@usda.gov>
Sent: Tuesday, March 15, 2022 8:49 AM
To: Shaffer, Benjamin - FS, ELKINS, WV <Benjamin.Shaffer@usda.gov>

Cc: Phillips, Robert - FS <robert.phillips1@usda.gov>; Arbogast, Chad -FS <chad.h.arbogast@usda.gov>; Hattersley, Jason -FS <jason.hattersley@usda.gov>

Subject: FW: road use permits FR249 and FR223

Ben,
Check out the original email from Jane. I was hoping you could drive out and take a look at this road and the permitted use. We had a complaint from the public and I just want to make sure we have some documentation as far and checking the road use during this thaw. I think most of the issues he called about were actually on county roads but just making sure.
Thank you!



**Kody D. Messerschmidt, Forester
Acting District Ranger**

P: 304-846-2695

C: 540-315-6672

kody.messerschmidt@usda.gov

Forest Service

**Monongahela National Forest,
Gauley, Marlinton-White Sulphur
Ranger Districts**

932 North Fork Cherry Rd.

Richwood WV 26261

www.fs.fed.us



**Caring for the land and serving
people**

From: Wright, Darrell - FS <darrell.wright@usda.gov>
Sent: Monday, March 14, 2022 4:44 PM
To: Messerschmidt, Kody -FS <kody.messerschmidt@usda.gov>
Subject: RE: road use permits FR249 and FR223

Yes,
Weyerhaeuser has a road use permit for Bear Run Road which is FR 223 and Little Level's also has a road use permit on that road as well.
Thanks
Darrell



**Darrell Wright
Timber Management Assistant**

**Forest Service
Monongahela National Forest
Marlinton Ranger District**

p: 304-799-4334 Ext. 7995525

f: 304-799-6820

darrell.wright@usda.gov

1627 Cemetery RD

Marlinton, WV 24954

www.fs.fed.us



Caring for the land and serving people

From: Messerschmidt, Kody -FS <kody.messerschmidt@usda.gov>
Sent: Monday, March 14, 2022 4:22 PM
To: Wright, Darrell - FS <darrell.wright@usda.gov>
Cc: Bard, Jane -FS, Richwood, WV <jane.bard@usda.gov>
Subject: RE: road use permits FR249 and FR223

Darrell,

Is there a road use permit on us for this road for Weyerhaeuser?



**Kody D. Messerschmidt, Forester
Acting District Ranger**

P: 304-846-2695

C: 540-315-6672

kody.messerschmidt@usda.gov

Forest Service

**Monongahela National Forest,
Gauley, Marlinton-White Sulphur
Ranger Districts**

932 North Fork Cherry Rd.
Richwood WV 26261

www.fs.fed.us



**Caring for the land and serving
people**

From: Bard, Jane -FS, Richwood, WV <jane.bard@usda.gov>
Sent: Monday, March 14, 2022 3:48 PM
To: Wright, Darrell - FS <darrell.wright@usda.gov>
Cc: Messerschmidt, Kody -FS <kody.messerschmidt@usda.gov>
Subject: road use permits FR249 and FR223

An individual called in this afternoon about road conditions on County road 29/4, related to the coal mine hauling traffic. He indicated that there was sediment entering stream channels near part of the haul route on private land, and he expressed concern about water quality and habitat on NF lands near the haul route, although he did understand that we don't have jurisdiction on the county roads or those on private lands.

Augustine and I were out that way last Thursday, and I observed that the Bear Run road was in good shape. There was some surface mud on FR 249 that day, but it might become worse this week with more warming weather.



Jane Bard
Silviculturist

Forest Service
Monongahela National Forest, Gauley Ranger District

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Caring for the land and serving people

Exhibit 28
to Standing Declaration of Andrew W. Young

/USDA Forest Service

CONTRACT DAILY DIARY

FS-8300-20

(01/2000)

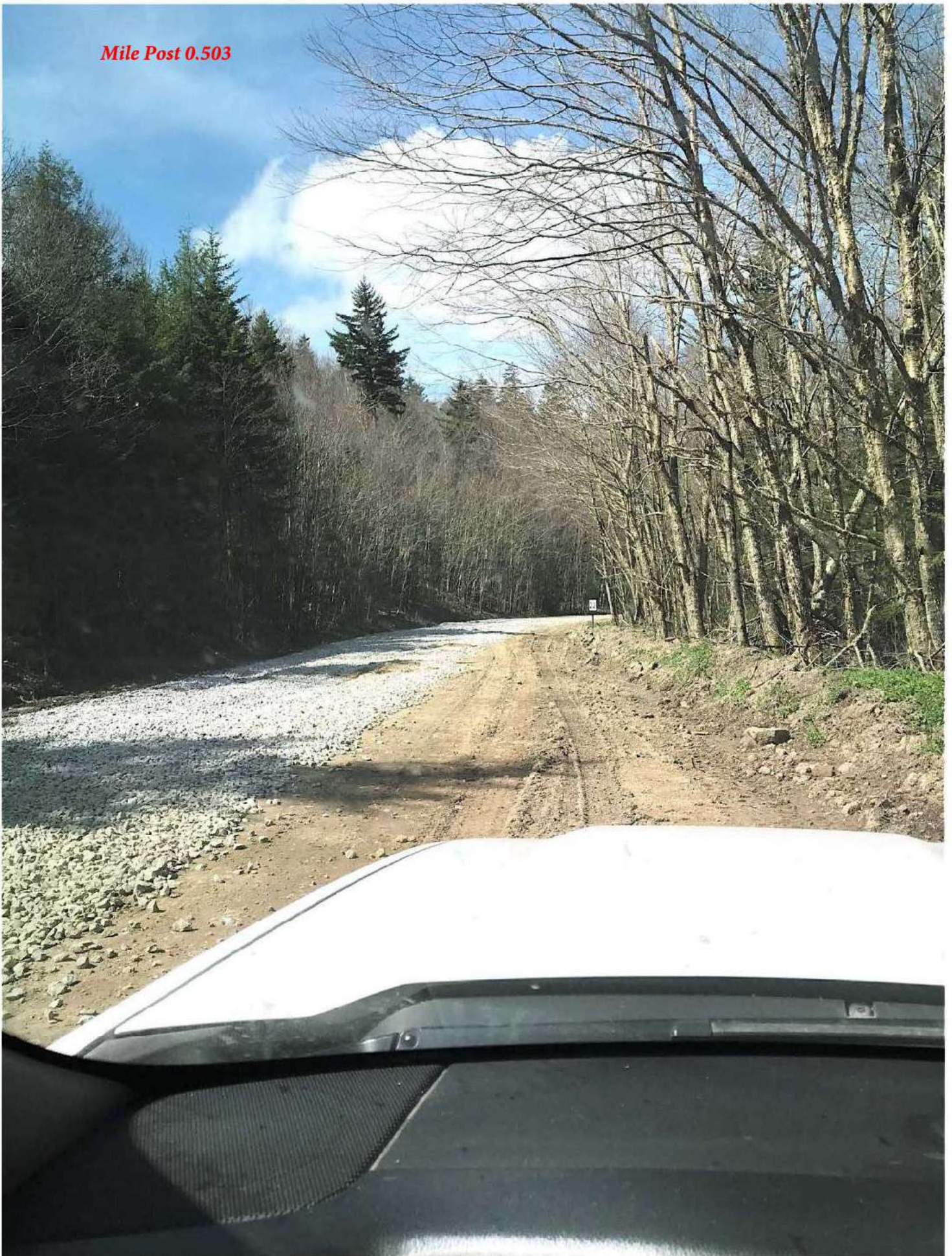
(List Name of) National Forest

(Reference FSH 6309.11)

CONTRACT NO							
PROJECT			249 SUGARTREE ROAD INSPECTION				
CONTRACTOR			N/A				
CONTRACTOR'S REPRESENTATIVE ON SITE			N/A				
GOVERNMENT OFFICIALS ON SITE			Leo Weese				
DATE	April 26, 2022	TIME ARRIVED	0723	CONTRACT TIME	N/A	WEATHER	dry
DAY OF WEEK	Tuesday	TIME DEPARTED	1330	DAYS USED	N/A	TEMP	65
% OF WORK COMPLETED	N/A	TIME USED (%)		COMPLETION DATE	N/A	GROUND CONDITION	dry
WORK ON SCHEDULE (YES / NO)		N/A	CONTRACTOR'S WORK (ACCEPTABLE / UNACCEPTABLE)			UNACCEPTABLE	
CHANGE ORDERS / AMMENDMENTS ISSUED				WORK ORDERS ISSUED (Include SUPPENDED / RESUME)			
MATERIALS FURNISHED TO JOB SITE (G=GOVT; C=CONT; S=SUBCONT)				LIST EQUIPMENT ON SITE (G=GOVT; C=CONT; S=SUBCONT)			
				TYPE	CONTROL ITEM NO. & LOCATION OF USE		HOURS USED
LIST CONTRACT PAYMENTS, REPORTS, CORRESPONDENCE, ETC.				WORKERS ON SITE			
Item	Prep.	Submit	Classification			Prime	Sub
GOVERNMENT PROVIDED SERVICE ADEQUATELY AND TIMELY				Yes	No		
NARRATIVE REPORT							
Notes:							
<p>No erosion control other the sumps in ditches and drains Road is very dusty and some spots clean 1 1/2 to 2 inch stone Today was dry condition 65 degrees Sunny Gate lock post is missing at the beginning of FS249 and all signs missing off gate that is left. 23 to 27 feet wide average road width Forest Service Gate missing at the end of FS249 Property line is not marked or visible Road ditches has sediment in them from the runoff the road prism. If we have a weather event, they will be a lot of sediment that will be getting in the drains. Most of the road has 2-to-4-foot berms on fill slopes and some areas on side of road on cut side of the road.</p> <ol style="list-style-type: none"> 1. Needed added sediment control more sumps, check dams, and other. 2. Add Stone 3. Reshape road to drain 4. No hauling in wet conditions 5. In dry conditions may want to water road to help with dust. 							
NAME			TITLE			ADDITIONAL SPACE NEEDED	
Leo Weese			Engineering Tech.				



Mile Post 0.503



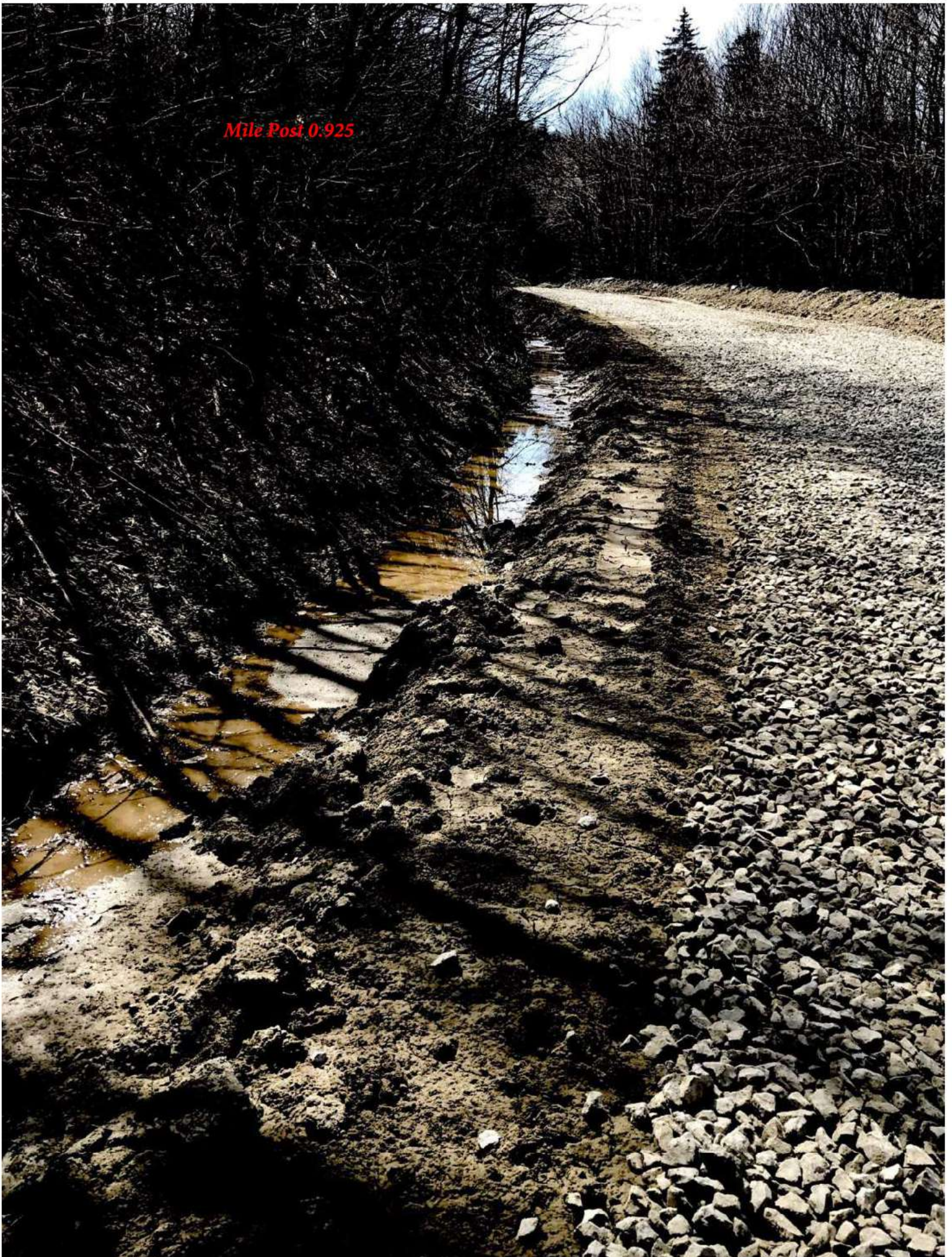




Mile Post 0.678









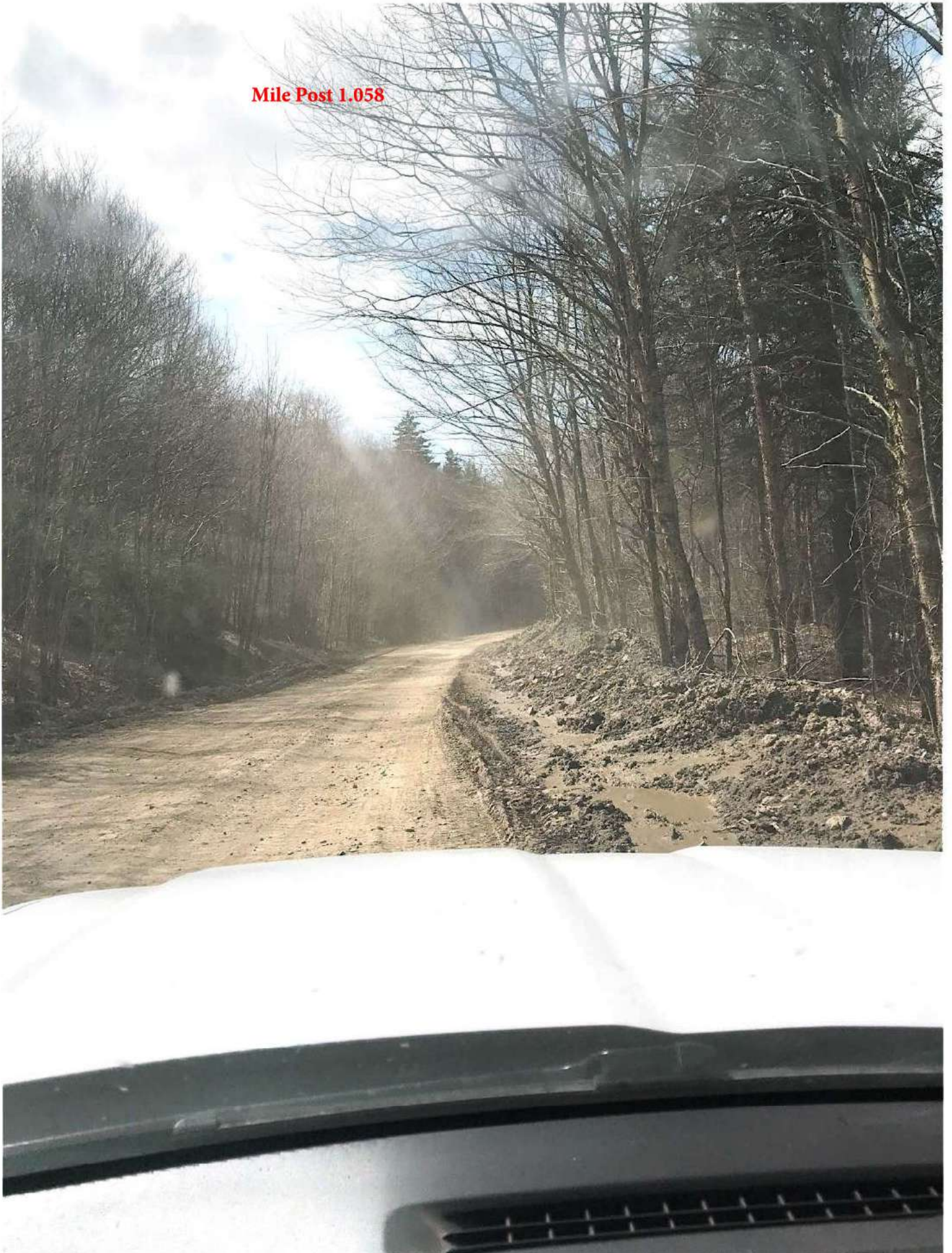








Mile Post 1.058



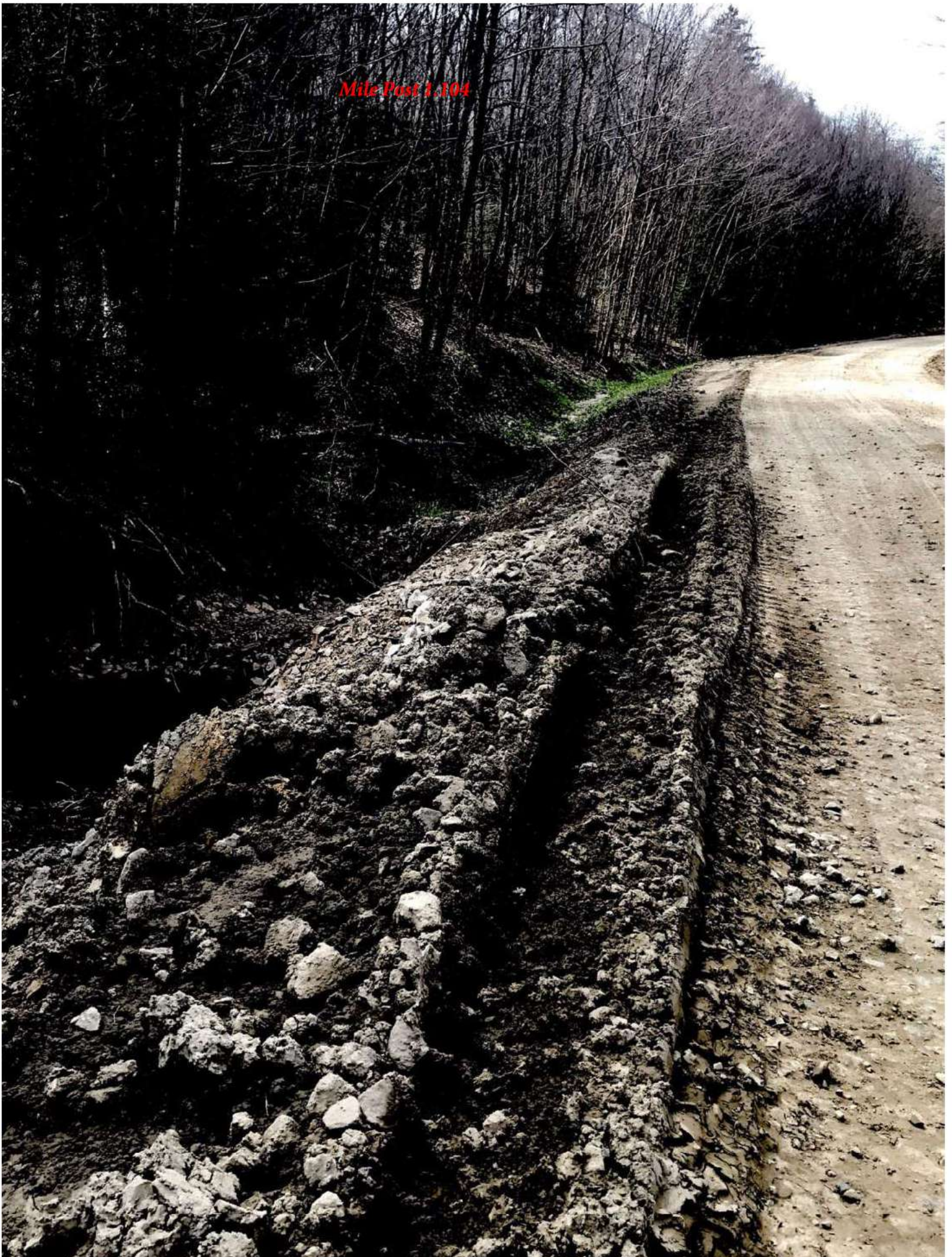




Exhibit 29
to Standing Declaration of Andrew W. Young

**SOUTH FORK COAL ROAD USE PERMIT INSPECTION (FR 223 & 249)
5/2/2022 – 0930Hrs.**

U.S.F.S. INSPECTOR: Chad H. Arbogast
COMPANY REP. ON SITE: Jason Miller

I met with Jason Miller, Representative of White Forest Resources (South Fork Coal), on site at FR 249 this date. Mr. Miller and I reviewed the entire 1.2 miles of FR 249 which is currently under Road Use Permit (RUP) with South Fork Coal (as well as the majority of the entire 16 mile haul road associated with permitted use), and discussed the requirements of the RUP while identifying deficiencies which need remedied.

The following items were identified and remediations established as the RUP pertains to FR 249:

- 1) REQUIREMENT - The RUP requires brush to be removed from the road prism from the top of the cut bank to 6 ft below the top of the fill slope. **-SITUATION-Brush has only been removed as needed - REMEDIATION - BRUSH MUST BE REMOVED PRIOR TO RETURNING MAINTENANCE TO FOREST SERVICE - Will begin removing while doing other road maintenance after other more pressing concerns of sedimentation and road instability are addressed.**
- 2) REQUIREMENT - As per the RUP, the entire travelway is to be capped with non-erodible material - Road currently has area where no non-erodible material is evident. **-SITUATION -Has been placed but has sunk and is now covered with mud - REMEDIATION- Permittee is currently crushing sandstone from Blue Knob and hauling, tailgating, rolling material to create a non-erodible surface. In addition, stone is being purchased from a local quarry to supplement the supply. Contractor is working the entire 16 mile haul road (worst sections first) and will be on the Forest Service section by the end of the week. Placement of non-erodible surface will be completed by May 20, 2022.**
- 3) REQUIREMENT - RUP requires road be constructed to accommodate intended use.- **- SITUATION Evidence of base failures, rutting, and improper shaping of the roadway. - REMEDIATION – Permittee has devoted a crew, exclusively to removing base failures and repairing roadway. The permittee is crushing sandstone from the Blue Knob area (approximately 2500 tons per day was Jason's estimate) and utilizing this material to stabilize the road base and reshape the road prism to properly drain. Stabilization fabric is being placed in the worst areas, between the existing surface and the new rock to aid in strengthening the road base. Initial treatment of base failures and reshaping of FR 249 shall be completed by May 20, 2022. Increased maintenance and repair functions will continue throughout hauling operations until road has stabilized and is properly shaped to drain, showing little to no deformity under the loads of daily hauling operations.**
- 4) REQUIREMENT - The RUP requires protection of environmental resources – **-SITUATION - There is evidence that sedimentation is escaping beyond existing sedimentation control devices. Existing Sumps have already been cleaned and new sumps added to help remedy this situation, as required by the WVDEP – REMEDIATION – Permittee will install secondary down stream sediment control devices, below existing sumps on outlet side of pipes and roadway. Silt fence will be placed to perform this function. In line sumps will be added near the berm of the road (temporarily until reshaping of road is complete) to slow water and remove sediment prior to water exiting the road prism through the berm. Straw waddles will be added upstream of existing sump,s on the ditchline side of the road, to create ditch checks helping to remove sediment prior to water entering sump holes. Berms and disturbed areas not covered with non-erodible material, will be hydroseeded with approved grass seed mixes to promote vegetative growth and soil stability. Road will be reshaped so that water is directed toward**

ditchlines and can be treated more effectively prior to leaving the project site.

RESTRUCTURING OF EXISTING SUMPS AND INSTALLATION OF ADDITIONAL SEDIMENT CONTROL FEATURES SHALL BE COMPLETED BY MAY 20, 2022. HYDROSEEDING OPERATIONS SHALL BE COMPLETED WITHIN 30 DAYS (MAY 31, 2022), RESHAPING OF ROAD IS A CONTINUOUS ENDEAVOR AND WILL BE COMPLETED AS NON-ERODIBLE MATERIAL IS PLACED ON ROADWAY AND GRADES MANIPULATED

- 5) REQUIREMENT - The RUP requires upgrading, lengthening, or replacing culverts as needed to accommodate use. **—SITUATION- There is evidence of pipes starting to mishape and crush, under existing load stresses, in multiple locations. Pipes are still functioning. — REMEDIATION —** The permittee is aware of the situation and has ordered a load of pipe to begin replacing culverts on the haul road. Several locations have already been identified and all pipes will be inspected along the entire haul route. **Pipe is due on project in approximately 3 week (May 23, 2022) and replacement operations will begin on the 1.2 mile section currently under permit with the U.S. Forest Service. Work will commence once sediment control issues are addressed and stabilization of road base has been completed.**

The permittee is currently taking steps to remedy erosion and sedimentation issues as well as road stability issues, as directed by the WVDEP, and as required through there mining permit for haul roads. Precident for repair has been given to the worst areas as identified by the permittee and the WVDEP inspector, Ryan Thomas. Consideration being given to the fact that issues have been occuring along the entire 16 mile haul route and that the existing condition on FS road 249 is not excessive, the permittee has been given time to address the identified issues to come into compliance with the Forest Service Road Use Permit.

The following items were identified and remediations established as the RUP pertains to FR 223:

- 1) REQUIREMENT - The RUP requires the contractor repair damages caused by use of the roadway under the permit. **- SITUATION -Culvert at the entrace of FR 223, at the intersection with State Route 32, has had the outlet end of the culvert crushed by truck swinging inside the established roadway. — REMEDIATION-** Culvert shall be repaired/replaced and outlet ditch cleaned to re-establish proper drainage in the area. I recommend if culvert is replaced it be lengthened at least 5 ft to prevent recurring damage. **Issue should be addressed as soon as possible to prevent overflow and potential road/resource damage.**
- 2) REQUIREMENT - The permittee has agreed to perform maintenance on the roadway to offset fees associated with the RUP. Permittee is performing grading under that required maintenance. **- SITUATION - Minor issues with grading that has been performed such as small sections of berms being left on inside and outside of graded area, washboarding in roadway, minor pot holes, and sections of ditchlines which need cleaned. — REMEDIATION —** Area is graded often. Issues will be addressed during normally scheduled grading.
- 3) **-SITUATION -Hauling of commercial stone was not addressed in initial calculations for fees on FR 223 in the RUP. REMEDIATION -** Stone hauling will need to be considered at year end when final actual use rates are calculated.
- 4) REQUIREMENT - The permittee has agreed to perform maintenance on the roadway to offset fees associated with the RUP. Permittee is performing grading under that required maintenance. **- SITUATION - Heavy use of commercial stone trucks hauling stone to project site on FR 249, as well as grading and winter plowing activities have caused loss of stone from the road prism on FR 223. — REMEDIATION —** Stone will be applied to FR 223 as part of the road maintenance to offsett fees for the RUP.

Exhibit 30
to Standing Declaration of Andrew W. Young

**Indiana Bat Protection and Enhancement Plan for the
Rocky Run Surface Mine (Pending)
NPDES # Pending**

September 2019

For
**South Fork Coal Company, LLC
1295 Ashford Hill Road
Ashford, WV 25009**

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ATTACHMENTS

- 1-Protection and Enhancement Plan Check List
- 2-Map Depicting Areas of Potential Summer Habitat for Indiana Bats
- 3-Map Depicting Areas of Project Planned Clearing Stages
- 4-Representative Photos of the Project Area and Map
- 5-Indiana Bat Protection and Enhancement Plan
Guidelines for Surface Coal-Mining Operations

Introduction

This Indiana Bat Protection and Enhancement Plan (PEP) has been drafted by South Fork Coal Company, LLC for the potential habitat that was found on the area proposed for the Rocky Run Surface Mine located approximately 7.7 miles southeast of Richwood in Greenbrier County, WV. The proposed area for the Project and habitat in and around the area of the proposed Project has been deemed suitable to the Indiana Bats and the Northern Long-Eared Bats (NLEB). This plan will identify methods and practices that will minimize disturbance and protect potential habitat during development of the Rocky Run Surface Mine and measures proposed that will enhance potential habitat during the reclamation phase of the Project.

During the course of the Endangered Species Act (ESA) consultation for the proposed Rocky Run Surface Mine, it was determined that forested area at the site contains potential summer foraging and roosting habitat for the federally endangered Indiana bat (*Myotis sodalist*) and the threatened northern long-eared bat (*Myotis septentrionalis*). A consultation response letter from the WVDEP (copy included in Appendix D) stated that due to “the number of forested acres projected to be impacted by this operation” the applicant must choose either Option 1 (survey for endangered/threatened bats) or Option 2 (assume presence of endangered/threatened bats). The application has chosen to assume the presence of the Indiana bat and the northern long-eared bat (NLEB; therefore Option 2).

Description of Proposed Project

Type and Size of Project

The proposed project is for a surface mine (Rocky Run) that will use contour mining and highwall mining as the methods of mining. The proposed permitted/bonded area is for 1121.68 acres of which 601.01 acres will be mineral removal area, 515.24 acres will be for disturbed areas used for excess spoil placement and 32.72 acres will be for haulroads. No valley fills or instream ponds are proposed to be constructed. All drainage and sediment control structures for the proposed mine will be provided by sediment ditches located along the lowest coal seam to be mined. The pre-mining land use is forestland, with a significant amount of prior disturbances evident (such as timbering, clear-cutting and road construction). Commercial timbering activities have occurred within and adjacent to the proposed mine site. It is reasonable to expect these timbering activities to continue, as the majority of surface properties within this part of West Virginia are controlled by forest products companies. The post-mining land use will be forestland.

The proposed project area is located between Rocky Run and South Fork Cherry River of Cherry River of Gauley River of the Kanawha River approximately 7.7 miles southeast of Richwood, WV on the USGS 7.5 minute Fork Mountain WV quadrangle topographic map. The Project area is located at Latitude 38° 09' 49.4", Longitude 80° 24' 49.4" with elevations of the project area ranging from approximately 3820' to 3900'. The Project area terrain consists of moderately-steep to steep

slopes with narrow ridgelines, valleys and floodplains. The proposed project area is described as a moderately stocked, two-tiered aged stand of Appalachian hardwoods. Approximately 40.3% of the Project area is considered to be forested. There are five (5) different hydrologic soil groups in the Project area. They are the Briery-Rock outcrop complex (BxF), Gauley channery sandy loam, 3 to 15 percent (GaC), Mandy channery silt loam, 3 to 15 percent (MkE), Mandy channery silt loam, 15 to 35 percent (MkF) and Snowdog silt loam, 3 to 15 percent (SoC). The area to be disturbed by the project appears well drained and not flooded with parent materials consisting of residuum weathered from sandstone and shale, colluvium derived from sandstone and siltstone.

Potential Impacts to Bat Habitat

There are no known old deep mine portals within 150 feet of a known maternity roost or within ¼ mile of a known NLEB hibernacula as per the NLEB Final 4(d) Rule. The proposed Project's area has 1089.59 acres of land to be cleared in advance mining activities that does contain potential habitat that bats could possibly use for watering, feeding and roosting during the late spring and early fall, so timber clearing and/or harvesting will be conducted from October 15th through March 31st. During this period Indiana Bats should be hibernating. To lessen the short-term impacts existing watering areas and potential roosting trees on adjacent lands will be not be disturbed during the active mining of the project. Long-term impacts to potential bat habitat will be lessened by the post-mine land use for the project which is forestland. The reclamation planting plan includes tree species with exfoliating bark and that are recommended for use in Indiana Bat Protection and Enhancement Plan Protocols.

Potential Impacts to Bat Behaviors

The removal of forest with exfoliating bark trees of greater than or equal to 3" dbh and dying and/or dead trees (snags) of greater than or equal to 9" dbh from within the Project area would result in modification of bat behavior patterns. By reducing potential roosting trees and foraging areas, bats could be forced to expend additional energy locating new foraging and roosting areas. This in turn could create intraspecific competition. No potential impact to other bat behaviors would be expected.

Upon returning the designated areas within the permit boundary to the proposed post-mining land use of forestland, roosting and foraging habitat would ultimately be restored and pre-project bat behaviors would be expected to resume.

Description of Potential Summer Habitat

General Description

Approximately 40.3% of the Project area is considered to be forested. The soils in the Project mine area are classified as belonging to the Briery-Rock outcrop complex (BxF), Gauley channery sandy loam, 3 to 15 percent (GaC), Mandy channery silt loam, 15 to 35 percent slopes (MkE), Mandy channery silt loam, 35 to 55 percent slopes (MkF) and Snowdog silt loam, 3 to 15 percent slopes

(SoC). This area is made up primarily of deciduous trees. Yellow-Poplar, Mixed Oak, Northern Red Oak, White Oak, Chestnut Oak, Scarlet Oak, Hard Pines, White Pine and Eastern White Pine make up a majority of the common trees on the site. There are snags, dead trees and culls throughout the forest with in and adjacent to the Project's area. Based on a twelve inch diameter at breast height the average board feet per acre of timber is estimated to be approximately 3,000 board feet. There are no intermittent or perennial streams to be impacted during the life of this Project.

Percent and Acres Forested (trees with greater than 5 inches dbh) on Project Area

From estimates derived by field observations and aerial photographs, approximately 40.3% of the project area is considered to be forested. The area within 1000' of the project consists of approximately 5,123.8 acres of which approximately 73.0% or 3,742.5 acres is considered to be forested. The timber consists of saw timber (averaging 12 inches DBH) and pulp. The tree species consisting of most of the forest cover is Yellow-Poplar, Mixed Oak, Northern Red Oak, White Oak, Chestnut Oak, Scarlet Oak, Hard Pines, White Pine and Eastern White Pine.

Representative Photographs of the Project Area

Attachment 3 contains representative photos of the project area and a map showing the location of where the photos were taken. The photos were taken on April 11, 2019 and on May 23, 2019.

Summary of Acreage of Potential Summer Habitat

The area within the Project's area that could be considered potential summer habitat for Indiana Bat is 471.53 acres or 42.04% of the proposed Project area of 1121.68 acres.

Minimizing Potential Take of an Indiana Bat

Avoidance of Identified Potential Summer and/or Winter Habitat On-Site

This project proposes staged clearing/harvesting of trees in advance of mining operations for the entire project. The stage clearing harvesting of trees will only occur from October 15th through March 31st and will only clear the area in advance of the mining operation for the year going forward.

Appropriate Tree Clearing Dates

The total area of the project consists of 1121.68 acres. Attachment 2 is a map of the Project showing area of the Project to be cleared during the stages planned for the operation. As noted above tree clearing/harvesting will only occur from October 15th through March 31st and will be conducted in nine (9) different stages. These stages may be altered during operation of the mine, but the amount of acres cleared during such an operational change should not vary by a significant factor. Stage 1

will clear approximately 183.72 acres or 16.4% of the project area. This first stage clearing is for the first year of mining. Stage 2 will clear approximately 149.11 acres or 13.3% of the area for the project area. This second stage clearing is for the second year of mining. Stage 3 will clear approximately 209.15 acres or 18.6% of the project area. This third stage clearing is for the third year of mining. Stage 4 will clear approximately 177.36 acres or 6.9% of the project area. This fourth stage clearing is for the fourth year of mining. Stage 5 will clear approximately 95.26 acres or 8.5% of the project area. This fifth stage clearing is for the fifth year of mining. Stage 6 will clear approximately 142.88 acres or 12.7% of the project area. This sixth stage clearing is for the sixth year of mining. Stage 7 will clear approximately 105.45 acres or 9.4% of the project area. This seventh stage clearing is for the seventh year of mining. Stage 8 will clear approximately 1158.76 acres or 14.1% of the project area. This eighth stage clearing is for the eighth year of mining. At the end of Stage 8 all areas will have been cleared. Stage 9 will not clear any additional area of the project area. This ninth stage clearing is for the ninth year of mining. At the end of Stage 9 all mining and reclamation will have been completed. The tree clearing/harvesting period noted above will prevent clearing when bats could be roosting in trees as the bats will be in their winter habitat during this period.

Portals and Caves Addressed

Field investigation has revealed that there are a couple underground portals /abandoned underground mines located on the proposed mine site or in the immediate area of the surface mine, so bat gates or cave/portal gates are necessary.

Protection of Aquatic Resources

There are no intermittent or perennial streams associated with this Project; therefore, no impacts to aquatic resources is anticipated.

Other Minimization Measures

Minimization of the disturbed area associated with the mining of the Project area will be adhered to.

Short-Term Habitat Replacement

Flooded Timber

No flooded timber has been found within the Project's area.

Tree Girdling

No tree girdling is proposed by this plan.

Staged Tree Removal

In order to lessen short-term impact to bats a staged tree clearing over two (2) tree clearing periods lasting from October 15th through March 31st will take place. At least one (1) year will separate the beginning (October 15th) of a tree clearing period for each stage. This staged tree clearing/harvesting will allow for shorter travel corridors around the active mining of the Project to upland and lowland areas adjacent to the Project's area. Only the area needed to be disturbed to facilitate the project will be disturbed to the best extent practical. The project has been designed to disturb the smallest possible area to facilitate the operation. The project will disturb approximately 1121.68 acres of which 471.53 acres is forested or 42.04% of the total area which is currently considered potential summer habitat.

Provide Roosting Habitat

Bat boxes will be installed to supplement roosting habitat. These bat boxes will be spaced approximately every 400 feet along the designated south-facing perimeter(s) of the permit, or to a frequency of 8 per acre adjacent to the permit. The bat boxes shall be mounted to ensure they are not exposed to easy predator access or encumbered by tree branches or other obstructions. For optimal occupancy, it is recommended the boxes be mounted at least 10 feet in the air on a pole or post. Nonetheless, a bat mammalogist, qualified biologist or other knowledgeable person with experience in bat habitat would be consulted as to the actual design, location, number and installation of the bat boxes.

Minimization of Disturbed Area

Minimization of the disturbed area associated with the mining of the Project area will be adhered to.

Long-Term Habitat Replacement

Appropriate Herbaceous Ground Cover

The projects revegetation plan includes planting of all disturbed areas as soon as practical after regrading on mined areas has been completed. The following tree-compatible ground cover seed-mixture will be hydro-seeded on all disturbed areas not supporting final drainage structures and roads as contemporaneously as practicable with backfilling and grading.

<u>Species</u>	<u>Amount</u>
Winter Wheat or Oats	10 lbs/acre (Fall Seeding)
Foxtail Millet	5 lbs/acre (Summer Seeding)
Weeping Lovegrass	3 lbs/acre
OR	
Red Top	5 lbs/acre
Kobe Lespedeza	5 lbs/acre

Birdsfoot Trefoil	10 lbs/acre
Perennial Rye Grass	10 lbs/acre
White Clover	3 lbs/acre
Buckwheat	35 lbs/acre

Travel Corridors

Due to the layout, heavily forested area around the project, and staged disturbance proposed for this project, travel corridors should not be severely impacted and bats should not have any problems traveling the area in and around the project. The area around this project is heavily forested and travel corridors will exist on undisturbed areas of the project during mining, and there are travel corridors outside of the project that will not be impacted. As noted above tree/vegetation removal will occur in stages during times of the year when Indiana Bats are hibernating in winter habitat, and disturbances will be minimized as much as is practical for the project. These measures will allow for bat travel corridors around areas of activity related to the propose project, and access to existing watering areas.

Minimum of 6 Different Tree Species

As noted in the Forestland Planting Plan within Section O of the Article 3 permit application this Project proposes to replace trees and shrubs taken during mining with a combination of 1.) higher value hardwood tree species, 2.) lower value hardwoods and softwood tree species and 3.) shrubs or other woody plants. The selection of tree and shrub species shall be based on each species' site requirements as currently known (soil type, degree of compaction, ground cover, competition, topographic {primary elevation} position and aspect). The overall stocking density of woody plants shall be at least 500 plants per acre.

The stocking density for trees shall be at least 350 plants per acre. A minimum of six species of trees, to include at least three (3) higher value hardwood species (white oak, northern red oak, black oak, chestnut oak, white ash, sugar maple, black cherry and yellow poplar) and at least two (2) lower value hardwoods or softwoods species (hickories, red maple, basswood, cucumber magnolia, sycamore, white pine, Virginia pine and pitch and loblolly hybrid pine) will be planted. The specific choices to be planted at any particular location will be based on seedling availability (although planned well in advance, seed supplies from which seedlings are grown are subject to meteorological and silvical conditions restricting production), slope position, degree of wetness and aspect.

Any of these species should do well on the northerly and westerly rebuilt aspects of the project area. White ash and chestnut oak may do better than the others on dry sites. The location and elevation are out of the range for good black cherry growth. At least 210 high value hardwood plants per acre and 140 lower value hardwood or softwood plants per acre (no less than 70 plants per acre for each species selected) will be planted. In general, trees will be planted on all disturbed areas except areas supporting sediment structures and haulroads at the next planting season after mining reclamation is completed.

The stocking density of shrubs and other woody plants not normally growing into commercial trees shall not exceed 150 plants per acre. A minimum of three (3) species of shrubs or other woody plants (black locust, bristly locust, dogwood, Eastern redbud, black alder, bigtooth aspen and bicolor lespedeza, (50 plants per acre for each species selected) will be planted.

It is anticipated that there will be invasion by native tree/shrub species and there will be no effort to control these. Hardwoods planted for forestland will be planted in continuous mixtures on approximate 8' x 9' offset spacing, resulting in approximately 605 trees per acre, but other wider spacing that will result in planting 500 seedlings per acre may be used on limited areas. Seedlings from the high value group, low value group and nurse tree/shrub group should be randomly planted over the entire planted area. A variety of tree species should be planted on each acre, alternating species by rows and mixing species within a row if possible to create a more diverse forest. This would be preferred over planting one species in a large block or several rows of the same species.

The success of vegetation shall be determined on the basis of tree and shrub survival and ground cover. Minimum success standard shall be tree survival (including native volunteer tree species) and/or planted shrubs per acre equal to or greater than four hundred fifty (450) trees per acre and a seventy percent (70%) ground cover where ground cover includes tree canopy, shrub and herbaceous cover, and organic litter during the growing season of the last year of the responsibility period. At the time of the final bond release, at least eighty percent (80%) of all trees and shrubs used to determine such success must have been in place for at least sixty (60) percent of the applicable minimum period of responsibility. Trees and shrubs counted in determining such success shall be healthy and shall have been in place for not less than two (2) growing seasons.

Water Areas

This project will not impact any watering areas. The sediment control system designed for the project will protect any adjacent watering areas. There are no intermittent or perennial streams within the proposed Project area. The watering areas that would service any bats in the area will not be impacted by the Project and are located in and around streams in the area located downslope from the proposed Project. The area within a mile of the Project has numerous other sections of intermittent streams in the hollows of the steep terrain of the area and also serve to function as water areas for bats.

Maintenance of Stream Buffer

There are no intermittent or perennial streams within the Project area.

Off-Site Compensation

Off-site compensation is not applicable to this Project and is not proposed.

Other Long-Term Habitat Replacement Option

No other long-term habitat replacement options are being proposed for this Project.

Summary

The implementation of this plan should minimize short-term and long-term impact to the habitat needs and eliminate potential threats posed to Indiana Bats. The measures included in the plan will avoid taking of potential habitat during the times the habitat is likely to be used by Indiana Bats. The plan includes measures to minimize the potential for any other adverse impact to Indiana Bats. With the measures proposed by this plan and the amount of forested area surrounding the project this project should have no adverse effects to Indiana Bats.

The “Range-wide Indiana Bat Protection and Enhancement Guidelines for Surface Coal-Mining Operations” was used in preparing this PEP and it is more stringent and more protective than the NLEB final 4(d) Rule concerning the NLEB. Therefore; this PEP should be protective enough for both species.

REFERENCES

¹Range-wide Indiana Bat Protection and Enhancement Guidelines for Surface Coal-Mining Operations. July 2009, Department of the Interior, US Fish & Wildlife Service.

Forestry Reclamation Approach. December 2005, U.S. Office of Surface Mining, Forestry Reclamation Advisory No. 2, 4 p.

Exhibit 31
to Standing Declaration of Andrew W. Young

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement**TEN-DAY NOTICE**Number **X24-111-440-003**TV **4**

Originating Office:

Beckley Area Office

US DOI, Office of Surface Mining

313 Harper Park Drive

Beckley, West Virginia 25801

Telephone Number: **(304) 255-5265**Ten-Day Notice to the State of **West Virginia**

You are notified that, as a result of Citizen Information
(e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521 (a)(1) of the Act will be taken.

Permittee: **SOUTH FORK COAL COMPANY, LLC**County: **GREENBRIER**☐ Surface

(Or Operator if No Permit)

Mailing Address: **1295 ASHFORD HILL RD, , ASHFORD, WV 25009**☒ UndergroundPermit Number: **U-3019-91**Mine Name: **SOUTH FORK DEEP MINE**☐ Other

(Multiple Permits See Remarks)

01 NATURE OF VIOLATION AND LOCATION:

Permittee failed to include PEP(s) for the federally endangered species Candy Darter and its critical habitat for permits U-3019-91, O-3013-11, O-3012-11, O-3022-11, S-3012-19, S-3002-19, S-3005-11, S-3033-93, S-3010-16, S-3002-19, and S-138-78

Section of State Law, Regulation or Permit **Reg 38-2-3.16.b**

Condition believed to have been violated:

02 NATURE OF VIOLATION AND LOCATION:

Permittee failed to comply with an Order, issued by WVDEP, requiring the permittee to submit permit revisions that includes PEP(s) within 45 days of issuance of the Order for multiple permits

Section of State Law, Regulation or Permit **Reg 22-3-17.a**

Condition believed to have been violated:

03 NATURE OF VIOLATION AND LOCATION:

Permittee failed to seek a determination that mining is permissible for permit O-3022-11

Section of State Law, Regulation or Permit **Reg 22-3-22(a), 22-3-22(d)(5), 38-2-3.21.c**

Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: **07/31/2024**

Signature of Authorized Representative: _____

Page 1 of 2

Print Name and ID: **Mark Carter ID# 440**

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement

TEN-DAY NOTICE

Number **X24-111-440-003**

TV **4**

Originating Office:

Beckley Area Office

US DOI, Office of Surface Mining

313 Harper Park Drive

Beckley, West Virginia 25801

Telephone Number: **(304) 255-5265**

Ten-Day Notice to the State of **West Virginia**

04 NATURE OF VIOLATION AND LOCATION:

Permittee failed to reclaim permits S-3005-11 and S-138-78 in accordance with the approved Reclamation Plan.

Section of State Law, Regulation or Permit **Reg 38-2-14.15.a**
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

Date of Notice: **07/31/2024**

Signature of Authorized Representative: _____

Page 2 of 2

Print Name and ID: **Mark Carter ID# 440**



U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING



Citizen Complaint

Citizen Complaint Number

CC24-111-002

Date Complaint Received

06/20/2024

Complainant

WEST VIRGINIA HIGHLANDS CONCERNANCY

Did citizen request confidentiality?

N

Nature of Complaint

COMPLAINANT ALLEGES THAT THE REGULATING AUTHORITY HAS IMPROVIDENTLY ISSUED PERMI O-3022-11, PERMITTEE HAS FAILED TO COMPLY WITH REGULATING AUTHORITY ORDERS, FAILED TO INSTITUTE PROTECTION ENHANCEMENT PLANS, AND RECLAIM PERMITS.

Performance Standard Category
(Check all that apply)

- ☒ A. Administrative
- ☐ B. Hydrologic Balance
- ☐ C. Topsoil & Subsoil
- ☒ D. Backfilling & Grading
- ☐ E. Excess Spoil Disposal
- ☐ F. Coal Mine Waste
- ☐ G. Use of Explosive
- ☐ H. Subsidence Control Plan
- ☐ I. Roads
- ☐ J. Signs & Markers
- ☐ K. Distance Prohibitions
- ☐ L. Revegetation
- ☐ M. Postmining Land Use

Acknowledgement Letter

07/03/2024

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments



U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation
State Program



1. Permittee/Person SOUTH FORK COAL COMPANY, LLC		9. Permit Number U-3019-91	10. Permit Type PP	
2. Address 1295 ASHFORD HILL RD		11. Field Visit Date 7/2/2024 <small>mm - dd - yyyy</small>	12. Purpose CCR	13. SRA Present N
3. City ASHFORD	4. State WV	14. Permit Status IN	15. Site Status AP	16. Facility Type BD
5. Zip Code 25009	6. Phone Number (304) 836-5860	17. OSM Office # 111	18. CCID # CC24-111-002	19. Land Code S
7. Operator Name, if Different than Permittee		20. M.S.H.A. ID # 46-08505	21. State Abbrev. WV	22. County/Burrough GREENBRIER
8. Mine Name SOUTH FORK DEEP MINE		23. AVS Permittee Entity ID Number 251407	24. State Office Fayetteville	

25. Hours	26. Signature Block	27. Reviewing Official:								
<table border="1"><tr><td>50.0</td><td>a. Permit Review</td></tr><tr><td>0.0</td><td>b. Site Visit Time</td></tr><tr><td>0.0</td><td>c. Travel Time</td></tr><tr><td>12.0</td><td>d. Report Writing</td></tr></table>	50.0	a. Permit Review	0.0	b. Site Visit Time	0.0	c. Travel Time	12.0	d. Report Writing	<p>Signature:</p> <p>Mark Carter, ID#440</p> <p>Inspector's Name:</p> <p>Date: 7/31/2024</p>	<p>Signature:</p> <p>John Flesher</p> <p>Reviewer's Name:</p> <p>Date: 7/31/2024</p>
50.0	a. Permit Review									
0.0	b. Site Visit Time									
0.0	c. Travel Time									
12.0	d. Report Writing									

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12

Oxx...Oversight
Axx...Assistance

RFx...Reclamation Fees
Fxx...Federal Actions

CCR...Citizen Complaint Referral (non-site visit)
CC...Citizen Complaint (initial site visit)
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14

A Active: Coal mining activities occurring or permitted but not yet disturbed.
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).

AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.
NA Not Applicable: When site is unpermitted.

Site Status - Item 15

ND No Disturbance: No coal mining and reclamation operations have been started.
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.
AP Active Coal Producing: Coal surface mining activities are occurring.
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.13(b).
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.
P2 Phase II Release: At least Phase II bond release for the entire permitted area.
P3 Phase III Release: Reclamation completed and the RA has released all bond.

NS Non-Site Visit: Status of site not determined.
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.
FR Forfeited and Reclaimed: Forfeiture reclamation completed.
FO Abandoned Site: Abandoned site that is permitted but there is no bond.
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16

A...Surface
B...Underground
C...Preparation Plant

D...Ancillary (Haulroad, Conveyor, and/or Rails)
E...Refuse and/or Impoundment
F...Loading Facility and/or Tipple
G...Stockpiles

H...Exploration Permits
I...Notice of Intent to Explore
J...Exempt 16 and 2/3

K...Government Financed Construction Exemption
L...Remining site permitted under 30 CFR 785.25

Small Business Regulatory Enforcement Fairness Act (SBREFA)

Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation

Permittee/
Person **SOUTH FORK COAL COMPANY, LLC**

Permit
Number **U-3019-91**

Field Visit
Date **7/2/2024**

State Program
Continuation Page

28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

A. Administrative

1. 2 Mining within Valid Permit
2. Mining within Bonded Area
3. 2 Terms & Conditions of Permit
4. Liability Insurance
5. Ownership and Control
6. Temporary Cessation
7. AML Rec. Fees - Non-Respondent
8. AML Rec. Fees - Failure to Pay

B. Hydrologic Balance

1. Drainage Control
2. Inspections & Certifications
3. Siltation Structures
4. Discharge Structures
5. Diversions
6. Effluent Limits
7. Ground Water Monitoring
8. Surface Water Monitoring
9. Drainage - Acid-Toxic Materials
10. Impoundments
11. Stream Buffer Zones

C. Topsoil & Subsoil

1. Removal
2. Substitute Materials
3. Storage and Protection
4. Redistribution

D. Backfilling & Grading

1. Exposed Openings
2. 2 Contemporaneous Reclamation
3. Approximate Original Contour
4. Highwall Elimination
5. Steep Slopes (includes downslope)
6. Handling of Acid and Toxic Materials
7. Stabilization (rills and gullies)

E. Excess Spoil Disposal

1. Placement
2. Drainage Control
3. Surface Stabilization
4. Inspections & Certifications

F. Coal Mine Waste (Refuse Piles/Impoundments)

1. Drainage Control
2. Surface Stabilization
3. Placement
4. Inspections & Certifications
5. Impounding Structures

G. Use of Explosives

1. Blaster Certification
2. Distance Prohibitions
3. Blast Survey/Schedule
4. Warnings & Records
5. Control of Adverse Effects

H. Subsidence Control Plan

I. Roads

1. Road Construction
2. Certification
3. Drainage
4. Surfacing and Maintenance
5. Reclamation

J. Signs & Markers

1. Signs
2. Markers

K. Distance Prohibitions

L. Revegetation

1. Vegetative Cover
2. Timing

M. Postmining Land Use

N. Other

General
Performance
Category

Performance Standard Categories 30 CFR Counterparts

A. Administrative	
1. Valid Permit	773.11
2. Mining within Bonded Area	773.11
3. Terms & Conditions of Permit	773.17
4. Liability Insurance	800.60
5. Ownership and Control	778.13
6. Temporary Cessation	842.11(e) & 816/817.131
7. AML Rec. Fees -- Non-Respondent	870.15(b)
8. AML Rec. Fees -- Failure to Pay	870.15(a)
B. Hydrologic Balance	(816/817.41-57)
1. Drainage Control	45
2. Inspections & Certifications	49(a)(10)
3. Siltation Structures	46
4. Discharge Structures	47
5. Diversions	43
6. Effluent Limits	42
7. Ground Water Monitoring	41(c)
8. Surface Water Monitoring	41(e)
9. Drainage--Acid - Toxic Materials	41(f)
10. Impoundments	49
11. Stream Buffer Zones	57
C. Topsoil & Subsoil	(816/817.22)
1. Removal	22(a)
2. Substitute Materials	22(c)
3. Storage and Protection	22(c)
4. Redistribution	22(d)
D. Backfilling & Grading	816/817.95-107
1. Exposed Openings	816/817.13, 14, 15, & 823.11 & 21
2. Contemporaneous Reclamation	100
3. Approximate Original Contour	102(a)(1)
4. Highwall Elimination	102(a)(2)
5. Steep Slopes (includes downslope)	107
6. Handling of Acid & Toxic Materials	102(c)
7. Stabilization (rills and gullies)	95(b)

E. Excess Spoil Disposal	(816/817.71-74)
1. Placement	71(e)
2. Drainage Control	71(f)
3. Surface Stabilization	71(g)
4. Inspections & Certifications	71(h)
F. Coal Mine Waste (Refuse Piles/Impoundments)	816/817.81-84
1. Drainage Control	83(a)
2. Surface Stabilization	83(b)
3. Placement	83(c)
4. Inspections and Certifications	83(d)
5. Impounding Structures	84
G. Use of Explosives	(816/817.61-68)
1. Blaster Certification	61(c)
2. Distance Prohibitions	61(d)
3. Blast Survey/Schedule	62-64
4. Warnings & Records	66 & 68
5. Control of Adverse Effects	67
H. Subsidence Control Plan	(817.121-122)
I. Roads	(816/817.150-151)
1. Road Construction	150(c)
2. Certification	151(a)
3. Drainage	150(b)-151(d)
4. Surfacing and Maintenance	150(e)-151(d)
5. Reclamation	150(f)
J. Signs & Markers	816/817.111
1. Signs	11(a),(b), & (c)
2. Markers	11(a),(b),(d),(e), & (f)
K. Distance Prohibitions	(761.11)
L. Revegetation	(816/817.111-116)
1. Vegetative Cover	111 & 116
2. Timing	113
M. Postmining Land Use	(816/817.133)

OSM Action

- | | |
|-----------------------------|--|
| 1) Deferred to State Action | 6) ID-CO Issued (Imminent Danger to Public) |
| 2) TDN Issued | 7) Previously cited by RA, abatement pending |
| 3) NOV Issued | 8) Abated during or before OSM inspection |
| 4) FTA-CO Issued | 9) Follow-up of Federal Action |
| 5) IH-CO Issued | 0) Off-site impact with no violation |

Off-Site Impacts

- For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
- N - Minor Occurrence
D - Moderate Occurrence
J - Major Occurrence

U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation

 Permittee/
 Person **SOUTH FORK COAL COMPANY, LLC**

 Permit
 Number **U-3019-91**

 Field Visit
 Date **7/2/2024**

 State Program
 Continuation Page

 A. Specific State Law/Regulations Violated: **Reg 38-2-3.16.b**

 B. Description: **Permittee failed to include PEP(s) for the federally endangered species Candy Darter and its critical habitat for permits U-3019-91, O-3013-11, O-3012-11, O-3022-11, S-3012-19, S-3002-19, S-3005-11, S-3033-93, S-3010-16, S-3002-19, and S-138-78**

 C. Performance Standard: **A3**

 D. Abated (Y/N): **N**

 E. OSM Action: **2** F. OSM Action Number: **X24-111-440-003** Viol#: **01**

 G. Optional: H. Any Off-Site Impacts (Y/N): **N**

 I. Latitude: **0380931** J. Longitude: **0802316** K. Elevation:

L. Off-Site Impacts

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 A. Specific State Law/Regulations Violated: **Reg 22-3-17.a**

 B. Description: **Permittee failed to comply with an Order, issued by WVDEP, requiring the permittee to submit permit revisions that includes PEP(s) within 45 days of issuance of the Order for multiple permits**

 C. Performance Standard: **A3**

 D. Abated (Y/N): **N**

 E. OSM Action: **2** F. OSM Action Number: **X24-111-440-003** Viol#: **02**

 G. Optional: H. Any Off-Site Impacts (Y/N): **N**

 I. Latitude: **0380931** J. Longitude: **0802316** K. Elevation:

L. Off-Site Impacts

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 A. Specific State Law/Regulations Violated: **Reg 22-3-22(a), 22-3-22(d)(5), 38-2-3.21.c**

 B. Description: **Permittee failed to seek a determination that mining is permissible for permit O-3022-11**

 C. Performance Standard: **A1**

 D. Abated (Y/N): **N**

 E. OSM Action: **2** F. OSM Action Number: **X24-111-440-003** Viol#: **03**

 G. Optional: H. Any Off-Site Impacts (Y/N): **N**

 I. Latitude: **0380931** J. Longitude: **0802316** K. Elevation:

L. Off-Site Impacts

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 A. Specific State Law/Regulations Violated: **Reg 38-2-14.15.a**

 B. Description: **Permittee failed to reclaim permits S-3005-11 and S-138-78 in accordance with the approved Reclamation Plan.**

 C. Performance Standard: **D2**

 D. Abated (Y/N): **N**

 E. OSM Action: **2** F. OSM Action Number: **X24-111-440-003** Viol#: **04**

 G. Optional: H. Any Off-Site Impacts (Y/N): **N**

 I. Latitude: **0380931** J. Longitude: **0802316** K. Elevation:

L. Off-Site Impacts

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OSM Action

- | | |
|-----------------------------|--|
| 1) Deferred to State Action | 6) ID-CO Issued (Imminent Danger to Public) |
| 2) TDN Issued | 7) Previously cited by RA, abatement pending |
| 3) NOV Issued | 8) Abated during or before OSM inspection |
| 4) FTA-CO Issued | 9) Follow-up of Federal Action |
| 5) IH-CO Issued | 0) Off-site impact with no violation |

Off-Site Impacts

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
 N - Minor Occurrence
 D - Moderate Occurrence
 J - Major Occurrence

MINE SITE EVALUATION NARRATIVE

Permit Number: U-3019-91, O-3022-11, S-3012-19, S-3005-11, S-3033-93, S-3010-16, S-3002-19, O-3012-11, O-3013-11, S-3033-93, and S-138-78 (Permits)

Permittee: South Fork Coal Company, LLC

Inspection Date: 6/24/2024

Inspection Type: CCR

Participants: Mark Carter OSMRE

This Citizen Complaint Referral was initiated by a complaint received by OSMRE from the West Virginia Highlands Conservancy (citizen) on June 20, 2024.

The citizen alleges that a Protection Enhancement Plan(s) (PEP) addressing the critical habitat of the listed species (Candy Darter) are not included in the Permits.

The citizen alleges the permittee failed to comply with an order of the Director issued by West Virginia Department of Environmental Protection (WVDEP) between 4/10/2024 and 4/30/2024 on inspection reports (MR-6's) that stated that the permittee had 45 days from the issuance of the order to submit an insignificant revision that included a PEP(s) for multiple permits.

The citizen alleges that permits U-3019-91, O-3022-11, and S-3012-19 encroach upon National Forest lands and have been improvidently permitted. Specifically, a section of Permit O-3022-11 crosses the U.S. National Forest lands, referred to as Tract M on the Permit's proposal and drainage map .

The citizen alleges that the permittee has failed to reclaim permits S-3005-11 and S-138-78.

Please see the attached Ten-Day Notice (TDN) that includes the following violations.

TDN Violation # 1: Permittee failed to include PEP(s) for the federally endangered species Candy Darter and its critical habitat for permits U-3019-91, O-3013-11, O-3012-11, O-3022-11, S-3012-19, S-3002-19, S-3005-11, S-3033-93, S-3010-16, S-3002-19, and S-138-78. 38-2-3.16.b (see below for regulatory provisions violated)

TDN Violation # 2: Permittee failed to comply with an Order, issued by WVDEP, requiring the permittee to submit permit revisions that includes PEP(s) within 45 days of issuance of the Order for permits U-3019-91 (4/10/2024 MR-6), O-3013-11(4/22/2024 MR-6), O-3012-11 (4/22/2024 MR-6), O-3022-11 (4/10/2024 MR-6), S-3012-19 (4/10/2024 MR-6), S-3002-19 (4/22/2024 MR-6), S-3005-11 (4/22/2024 MR-6), and S-138-78 (4/30/2024 MR-6). 22-3-17.a (see below for regulatory provisions violated)

TDN Violation # 3: Permittee failed to seek a determination that mining is permissible for permit O-3022-11 where it crosses U.S. Forest Lands, referred to as Tract M on the Permit proposal and drainage map.. 22-3-22(a), 22-3-22(d)(5), 38-2-3.21.c (see below for regulatory provisions violated)

TDN Violation # 4: Permittee failed to reclaim permits S-3005-11 and S-138-78 in accordance with the approved Reclamation Plan. 38-2-14.15.a (see below for regulatory provisions violated)

MINE SITE EVALUATION NARRATIVE

38-2-3.16 *Fish and Wildlife Resources Information*

38-2-3.16.b. *Each application shall include a description of how, to the extent possible using the best technology currently available, the operator will minimize disturbances and adverse impacts on fish and wildlife 38CSR2 and related environmental values, including compliance with the Endangered Species Act, during the surface mining and reclamation operations and how enhancement of these resources will be achieved where practicable.*

§22-3-22. *Designation of areas unsuitable for surface mining; petition for removal of designation; prohibition of surface mining on certain areas; exceptions; taxation of minerals underlying land designated unsuitable.*

(a) The director shall establish a planning process to enable objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of this state are unsuitable for all or certain types of surface-mining operations pursuant to the standards set forth in subdivisions (1) and (2) of this subsection: Provided, that such designation shall not prevent prospecting pursuant to section seven of this article on any area so designated.

(d) After the third day of August, one thousand nine hundred seventy-seven, and subject to valid existing rights, no surface-mining operations, except those which existed on that date, shall be permitted.

(5) On any federal lands within the boundaries of any national forest: Provided, That surface coal mining operations may be permitted on the lands if the secretary of the interior finds that there are no significant recreational, timber, economic or other values which may be incompatible with the surface-mining operations: Provided, however, That the surface operations and impacts are incident to an underground coal mine.

38-2-3.21 *Prohibitions and Limitations on Mining*

38-2-3.21.c. *Where the proposed operation would include Federal lands within the boundaries of any national forest when the applicant seeks a determination that mining is permissible under paragraph (5), subsection (d), section 22 of the Act, the applicant shall submit a permit application to the field office of the Federal Office of Surface Mine Reclamation and Enforcement with a request that such determinations be made.*

§22-3-17. *Notice of violation; procedure and actions; enforcement; permit revocation and bond forfeiture; civil and criminal penalties; appeals to the board; prosecution; injunctive relief.*

(a) If any of the requirements of this article, rules promulgated pursuant thereto or permit conditions have not been complied with, the director shall cause a notice of violation to be served upon the operator or the operator's duly authorized agent. A copy of the notice shall be handed to the operator or the operator's duly authorized agent in person or served by certified mail addressed to the operator at the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to comply with this article, rules or permit conditions and shall specify a reasonable time for abatement of the violation not to exceed thirty days. If the operator has not abated the violation within the time specified in the notice, or any reasonable extension thereof, not to exceed sixty days, the director shall order the cessation of the operation or the portion thereof causing the violation, unless the operator affirmatively demonstrates that compliance is unattainable due to conditions totally beyond the control of the operator. If a violation is not abated within the time specified or any extension thereof, or any cessation order is issued, a mandatory civil penalty of not less than seven hundred fifty dollars per day per violation shall be assessed. A cessation order remains in effect until the director determines that the violation has been abated or until modified, vacated or terminated by the director or by a court. In any cessation order issued under this subsection, the director shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the order.

MINE SITE EVALUATION NARRATIVE

38-2-14.15. Contemporaneous Reclamation Standards.

14.15.a. General. *This subsection establishes general performance standards relating to backfilling, regrading, and stabilization for all surface mining operations within the State. The mining and reclamation plan for each operation shall reflect these standards in describing how the mining operations and reclamation operations are to be coordinated to minimize total land disturbance and to keep reclamation operations as contemporaneous as possible with the advance of mining operations. Particular emphasis must be given to (1) limiting the size and number of excess spoil disposal fills; (2) locating and configuring excess spoil disposal fills in such a way so as to minimize land disturbance; (3) controlled handling and placement of all spoil material; and (4) the timing and sequence of backfilling and regrading operations which will minimize the ratio of disturbed and unreclaimed area versus undisturbed and reclaimed area. All surface mining operations shall be conducted in such a manner so as to comply with the approved reclamation plan and the standards set forth in this subsection.*